

ORDINANCE NO. 08-102

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) TO UPDATE AND AMEND: ARTICLE 1, GENERAL PROVISIONS; ARTICLE 2, DECISION MAKING AND ADMINISTRATIVE BODIES; ARTICLE 3, DEVELOPMENT APPROVAL PROCEDURES; ARTICLE 4, ZONING DISTRICT REGULATIONS; ARTICLE 5, ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS; ARTICLE 6, SUPPLEMENTARY USE REGULATIONS; ARTICLE 7, ENVIRONMENTAL REGULATIONS; PROVIDING FOR INCLUSION IN THE TOWN LDC; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) adopted Chapter 33 of the Miami –Dade County Code (2000), entitled “Zoning” as the Town of Miami Lakes Land Development Code (“the Town LDC”) by Section 8.3 of the Town Charter; and

WHEREAS, subsequent to its adoption, the Town LDC has been amended by various ordinances adopted by the Town of Miami Lakes (the “LDC Ordinances”) to better address and serve the needs of the Town; and

WHEREAS, as the provisions of Chapter 33 and the LDC Ordinances have been administered and implemented, the need for minor revisions and changes has become apparent; and

WHEREAS, since the adoption of the Town LDC several changes have been made to Florida law, necessitating an updating and revision of the Town LDC; and

WHEREAS, pursuant to Division 2.3 of the Town LDC, the Administrative Official is authorized to interpret the Town LDC and these interpretations are not currently incorporated into the Town LDC; and

WHEREAS, after holding several public workshops and meetings, the Town Council desires to amend the Town LDC to 1) make policy changes to certain requirements in the Town LDC; 2) incorporate the existing Administrative Official's interpretations into the Town LDC; 3) update the Town LDC to include recent changes to Florida law; and 4) amend certain articles and divisions as necessary for clarity.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby adopts the amendments to the Town of Miami Lakes Land Development Code as provided in Exhibit "A" attached hereto, and incorporated herein by this reference.

Section 3. Inclusion In The Town Land Development Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town LDC and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be effective upon adoption.

The foregoing Ordinance was offered by Councilmember Michael Pizzi, who moved its adoption on first reading. The motion was seconded by Vice Mayor Nancy Simon and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	Yes
Vice Mayor Nancy Simon	Yes
Councilmember Roberto Alonso	Yes
Councilmember Mary Collins	Absent
Councilmember Robert Meador	Yes
Councilmember Michael Pizzi	Yes
Councilmember Richard Pulido	No

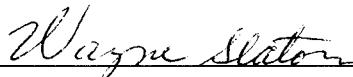
PASSED AND ADOPTED on first reading this 20th day of May, 2008.

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The foregoing Ordinance was offered by Councilmember Michael Pizzi, who moved its adoption on second reading. The motion was seconded by Councilmember Roberto Alonso, and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	Absent
Vice-Mayor Nancy Simon	Absent
Councilmember Roberto Alonso	Yes
Councilmember Mary Collins	Yes
Councilmember Robert Meador	Absent
Councilmember Michael Pizzi	Yes
Councilmember Richard Pulido	Yes

PASSED AND ADOPTED on second reading this 17th day of June, 2008.



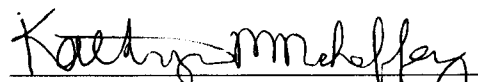
Wayne Slaton
MAYOR

ATTEST:



DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:



WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE, P.L.
TOWN ATTORNEY

1 | **EXHIBIT A**

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4 | **ARTICLE 1. GENERAL PROVISIONS**

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7 | **DIVISION 1.1 AUTHORITY AND PURPOSE**

8
9 This Chapter, the Town of Miami Lakes Land Development Code, is enacted pursuant to the
10 requirements and authority of Chapter 163, Part II, Florida Statutes (Local Government
11 Comprehensive Planning and Land Development Regulation Act), the general powers confirmed
12 in Chapter 166, Florida Statutes (Home Rule Powers Act), the Town Charter and the
13 Constitution of the State of Florida.

14
15 The Land Development Code shall apply to all development, including redevelopment or
16 changes in land use, throughout the Town of Miami Lakes. No development, redevelopment or
17 change in land use shall be undertaken without prior authorization pursuant to this Code. When
18 used within this chapter, unless the context indicates otherwise, the term “this Chapter” refers to
19 the Town of Miami Lakes Land Development Code.

20
21 It is the purpose of this Chapter to establish comprehensive controls and management for the use
22 of land and water within the Town of Miami Lakes; to preserve the unique Town character; and
23 to protect, promote and improve the public health, safety, comfort, order, appearance,
24 convenience, and general welfare of the people within the Town of Miami Lakes.

25
26
27 | **DIVISION 1.2 RELATIONSHIP TO THE TOWN COMPREHENSIVE ~~MASTER~~¹**
28 | **PLAN**

29
30 The Land Development Code is established to implement, and be based upon, the
31 Comprehensive Plan in a manner consistent with §163.3201, Florida Statutes.

32
33
34 | **DIVISION 1.3 OFFICIAL ZONING MAP**

35
36 The Town of Miami Lakes is hereby divided into zoning districts, as shown on the Official
37 Zoning Map and described in this Code. The Official Zoning Map, together with all explanatory
38 matter thereon, is hereby adopted by reference and declared to be a part of this Land
39 Development Code. The Official Zoning Map is the official record of the zoning status of
40 property within the Town. It shall be maintained in the Town offices and shall be identified by
41 the signature of the Mayor, attested to by the Town Clerk, and bear the seal of the Town of
42 Miami Lakes.

¹ Additions to existing text are shown by underline; deletions are shown by ~~strikethrough~~; line numbers are editorial and for review purposes only; text that is *boxed, italicized, and underlined* is commentary on the effect or intent of changes for review purposes only.

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DIVISION 1.4 COMPLIANCE WITH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE

All development, redevelopment, alterations, change of use, and change in soil contour, including fill, shall comply with the requirements of the Town of Miami Lakes Comprehensive Plan and the Land Development Code. A ~~d~~Development ~~e~~Order shall only be permitted if it complies and is consistent with the goals, objectives and policies of the Comprehensive Plan and the Land Development Code.

1 | **ARTICLE 2. DECISION MAKING AND ADMINISTRATIVE BODIES**

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3
4 | **DIVISION 2.1 TOWN COUNCIL**

5
6 | In addition to any authority granted to the Town Council by state law or by provisions of the
7 | Town Charter, the Town Council shall have the powers and duties listed herein concerning this
8 | Land Development Code. The Town Council’s authority shall include, but not be limited to
9 | approval, approval with modifications and/or conditions or denial or as may otherwise be
10 | provided herein. Specifically, but without limitation, the Town Council shall have the authority
11 | to:

- 12
13 | (a) Take such action deemed desirable and necessary to implement the provisions of the
14 | Land Development Code and the Comprehensive Plan, including acting as the Local
15 | Planning Agency for the Town under Section 163.3174, Florida Statutes;
16
17 | (b) Adopt and amend the Official Zoning Map in accordance with the procedures outlined
18 | herein;
19
20 | (c) Adopt amendments to the text of this Land Development Code;
21
22 | (d) Review and approve applications for site plan approval as specified in Division 3.4;
23
24 | (e) Review and approve applications for conditional uses;
25
26 | (f) Review and approve ~~of~~ preliminary plats, and review and approve final plats before
27 | recording in accordance with the procedures of this Land Development Code;
28
29 | (g) Review applications for ~~development approval~~ Development Approval for Developments
30 | of Regional Impact (DRI) and to issue ~~d~~ Development o Orders therefore;
31
32 | (h) Enter into development agreements;
33
34 | (i) Review and approve variances for flood regulations;
35
36 | (j) Approve ~~Grant~~, deny, or ~~grant~~ approve with modifications and/or conditions, variances to
37 | setback lines, frontage requirements, height limitations, lot size restrictions, yard
38 | requirements, fences and walls, lot coverage, impervious surface ratio, open space,
39 | landscaping, ~~and~~ signs and any other provisions of this Land Development Code as
40 | provided herein;
41
42 | (k) Hear and decide appeals with regard to administrative ~~interpretations or~~ decisions.

1 **DIVISION 2.2**

2 **LOCAL PLANNING AGENCY**

3 Pursuant to and in accordance with §163.3174, Florida Statutes, the Town Council is established
4 as the Local Planning Agency for the Town of Miami Lakes, and shall include a non-voting
5 representative of the Miami Dade County School Board consistent with Section 163.3174,
6 Florida Statutes. The Local Planning Agency shall have the powers and duties as provided in the
7 referenced statute, including but not limited to:

- 8
- 9 (a) Prepare and recommend to the Town Council amendments to the adopted Comprehensive
10 Plan;
 - 11
 - 12 (b) Monitor the effectiveness and status of the Comprehensive Plan; and
 - 13
 - 14 (c) Review land development regulations and changes to the Official Zoning ~~District~~ Map and
15 make recommendations to the Town Council as to the consistency of the regulation or
16 change with the adopted Comprehensive Plan;
 - 17
 - 18 (d) Serve as the Land Development Regulation Commission, pursuant to Section 163.3164,
19 Florida Statutes.
 - 20
 - 21 (e) Perform any other such duties as required by the Local Government Comprehensive
22 Planning and Land Development Regulation Act.
 - 23
 - 24
 - 25

1 **DIVISION 2.3**

ADMINISTRATIVE OFFICIAL

2
3 | The Administrative Official shall be the Town Manager or his or her designee, who shall provide
4 technical support and advice for the preparation and implementation of the Comprehensive Plan and
5 this Land Development Code, and shall perform such other functions as requested by the Town
6 Council and authorized by this Land Development Code, and consistent with the Florida Building
7 Code. Specifically, and without limitation, the Administrative Official shall have the following
8 duties:
9

- 10 | (a) Prepare and provide application forms for the ~~d~~Development ~~a~~Approvals authorized by this
11 Land Development Code, and establish procedures for the processing of all applications,
12 including setting required application filing deadlines to meet public hearing requirements;
13 (b) Provide administrative interpretations of this Land Development Code;
14 | (c) Conduct pre-application conferences with applicants for ~~d~~Development ~~a~~Approval as
15 required by this Land Development Code or as necessary or appropriate;
16 (d) Review and approve building permits for zoning compliance;
17 | (e) Review and approve certain site plan applications as set forth in Division 3.2 and 3.4 herein;
18 (f) Review and prepare recommendations for the Town Council’s review of site plan
19 applications which require public hearings;
20 (g) Review and prepare recommendations for the Town Council’s review of all conditional use
21 and variance applications;
22 (h) Review and approve permits for moving a building or structure from one lot or premises to
23 another;
24 | (i) Review ~~applications~~permits for zoning compliance for uses that have received necessary
25 approvals by the Town Council pursuant to this Land Development Code;
26 (j) Approve minor changes to approved site plans consistent with this Land Development
27 Code;
28 (k) Issue plat approval for lot splits;
29 (l) Review and approve certificates of occupancy and certificates of use for zoning
30 compliance;
31 (m) Prepare as necessary the record upon which each final decision of the Town Council
32 pursuant to the Land Development Code is based, for purposes of any appeal to the Circuit
33 Court of the Eleventh Judicial Circuit in and for Miami-Dade County;
34 | (n) Approve administrative (de minimus) ~~setback~~variances as provided for in this Land
35 Development Code; and
36 (o) Approve sign permits; ~~and~~
37 | (p) Review and prepare recommendations for the Town Council’s review of all Comprehensive
38 Plan amendment applications and text amendment applications to this Land Development
39 Code.

1 **Division 2.4 QUASI-JUDICIAL PROCEDURES**

2
3 "Quasi-judicial hearing" means a non-legislative proceeding wherein the Town Council, and/or
4 any other designated Town board or agency members are required to ascertain the existence of
5 facts and draw conclusions from them as a basis for their respective official action. The term
6 "quasi-judicial hearing" refers to, but is not limited to public hearings related to the following:
7 site-specific rezonings, variances, site plan approvals, conditional uses, pre-plats and plats. Any
8 person, including a Town official, who is uncertain as to whether a particular proceeding
9 constitutes a "quasi-judicial" proceeding may request and rely upon an opinion of the Town
10 Attorney.

11
12 Unless otherwise provided by law, or by resolution of the Town Council pertaining to a specific
13 matter, quasi-judicial hearing procedures shall be substantially as set out in this Division.

14
15 **(a) Purpose and Application.** It is the purpose of these rules to provide a fair, open and
16 impartial procedure to ensure procedural due process and maintain citizen access to the
17 Town's decision-making process where review of Development Approval applications
18 requires quasi-judicial hearings. These procedures shall be applied and interpreted in a
19 manner recognizing both the legislative and judicial aspects of the Town's decision-
20 making process in quasi-judicial hearings. They shall only apply to the hearings held by
21 the Town Council, or other Town board, agency or group with the authority to make the
22 final decision in regard to the development application.

23
24 **(b) Definitions.**

25
26 **Town Board** shall mean the Town Council, or any other Town board, agency or group
27 acting in a quasi-judicial capacity under the procedures of the Code of the Town of
28 Miami Lakes.

29
30 **Applicant** shall mean any individual, corporation or other authorized legal entity,
31 including Town staff and the Town Council, filing an application for Development
32 Approval or an appeal, which initiates a quasi-judicial proceeding.

33
34 **Application** shall mean an application for a site-specific rezoning, variance, conditional
35 use, plat, site plan or other request for a quasi-judicial proceeding or appeal as authorized
36 by this Code.

37
38 **Chair** shall mean the Mayor, or Chair of the Town Board unless otherwise provided.

39
40 **Competent substantial evidence** shall mean testimony or other evidence based on
41 personal observation, or fact or opinion evidence offered by an expert on a matter that
42 requires specialized knowledge that is relevant to the issue to be decided. Competent
43 substantial evidence is evidence a reasonable mind could accept as adequate to support a
44 conclusion.

1 Expert shall mean a person who is qualified in a subject matter by knowledge, skill,
2 experience, training, or education.

3
4 Hearsay evidence shall mean any statement, other than one made by the declarant while
5 testifying, offered for the truth of the matter asserted.

6
7 Town staff shall mean an employee or agent of the Town of Miami Lakes, Florida.

8
9 Material fact shall mean a fact that bears a logical relationship to one or more issues
10 raised by the application or the laws and regulations pertaining to the subject matter of
11 the request.

12
13 Member shall mean Town Council member, or member of any other designated Town
14 Board acting in a quasi-judicial capacity.

15
16 Participants shall mean members of the general public, other than the Applicant,
17 including experts and representatives of local governments and governmental agencies,
18 who offer testimony at a quasi-judicial hearing for the purpose of being heard on an
19 application.

20
21 Party shall mean the Applicant, Respondent, and Town staff.

22
23 Relevant evidence shall mean evidence which tends to prove or disprove a fact that is
24 material to the determination of the application.

25
26 Respondent shall mean an individual, corporation or other authorized legal entity
27 appearing before a quasi-judicial proceeding in response to a notice of violation or other
28 similar document.

29
30 **(c) Legal representation.** Any Party to the quasi-judicial hearing may be represented by
31 legal counsel. The Town Board shall be advised by the Town Attorney. Any attorney
32 may speak and present argument on behalf of his client however, no Attorney shall testify
33 as a fact or expert witness in a public hearing without being first duly sworn and
34 identified as a relevant fact or expert witness.

35
36 **(d) Participants at hearings.** All who testify on any quasi-judicial proceeding must sign in
37 and be sworn in, by oath or affirmation, by the Town Clerk. All persons testifying
38 subject themselves to cross-examination. Each person, other than members of Town staff,
39 who address the Town Board shall give the following information:

40
41 (1) Name;

42
43 (2) Address; and

44
45 (3) Whether they speak for themselves, a group of persons, or a third party. Any person
46 who wishes to speak on behalf of a group, organization or third party, shall present

1 evidence of their authority to speak for the organization and must also indicate
2 whether the view expressed by the speaker represents an established policy of the
3 organization approved by the board or governing body.

4
5 **(e) Conduct of hearing.**

- 6
7 1) Recording. All quasi-judicial hearings shall be recorded. An independent court
8 reporter may be retained and paid for by any interested person to transcribe the
9 proceedings. Any such retained court reporter shall identify himself/herself to the
10 Town Attorney before the hearing. Any party who wishes to appeal a decision
11 shall be responsible for obtaining a transcript of the proceedings for the record on
12 appeal.
- 13
14 (2) Parties. Each Party shall have the right to call and examine witnesses, to
15 introduce exhibits, to cross-examine opposing witnesses on any relevant matter
16 (subject to the rules contained herein), and to rebut evidence.
- 17
18 (3) Official file. All written communication received by Town Council, board or
19 agency members or Town Staff concerning an application, the Staff report on the
20 application, any petitions or other submissions from the public, ex-parte
21 disclosures and all other documents pertaining to the application shall be filed in
22 the official file for the application upon receipt. Following the hearing, the
23 official file shall be maintained by the Town Clerk. The Comprehensive Plan and
24 the Town Land Development Code shall be deemed to be part of the official file.
25 The official file shall be deemed a part of the hearing record and shall be available
26 for inspection during normal business hours.
- 27
28 (4) Expert witness testimony. No document prepared or relied upon by an expert shall
29 be admitted into evidence at a public hearing unless such document shall have
30 been filed with the Administrative Official and Town Clerk at least five (5) days
31 prior to the public hearing. The Town Board may waive this requirement upon
32 motion and affirmative vote.
- 33
34 (5) Waiver of hearing. The Applicant may waive the right to an evidentiary hearing
35 if it agrees with the staff recommendation and no one from the audience wishes to
36 speak for or against the application. Said waiver shall be made in writing not later
37 than five (5) working days before the public hearing on the application. The Town
38 Board may then vote on the item, based upon the staff report and any other
39 materials entered by staff into the record of the hearing.
- 40
41 (6) Order. The order of hearing shall be as follows:
- 42
43 a. The Town Attorney shall read a preliminary statement once at the beginning
44 of the quasi-judicial public hearing agenda which shall outline the procedure
45 to be followed.
- 46

- 1 b. The Applicant, respondent, witnesses, Town staff, and all participants asking
2 to speak shall be collectively sworn in by oath or affirmation, excluding
3 attorneys, unless the attorney intends to testify.
4
5 c. The Chair shall announce each particular agenda item, and open the public
6 hearing. The Chair shall conduct the meeting and all questions shall be
7 through the Chair.
8
9 d. Town Staff shall present a brief synopsis of the application; introduce as it
10 deems appropriate any additional exhibits from the official file which have not
11 already been transmitted to the Town Board with the agenda materials;
12 summarize issues; and make a recommendation on the application. Staff shall
13 also introduce any witnesses that it wishes to provide testimony at the hearing.
14
15 e. The Applicant shall make its presentation, including offering any exhibits into
16 the record, and introduce any witnesses as it desires.
17
18 f. Participants may present their testimony and any evidence.
19
20 g. The Applicant/Respondent shall have the right to cross-examine individual
21 speakers.
22
23 h. Staff may cross-exam the Applicant, Respondent and any individual speakers.
24
25 i. Members may ask questions of any speaker through the Chair.
26
27 j. The Chair shall keep order, and without requiring an objection, may direct a
28 party conducting the cross examination to stop a particular line of questioning
29 that merely harasses, intimidates or embarrasses the individual being cross
30 examined, is unduly repetitious, not relevant or beyond the scope of the
31 testimony by the individual being cross examined. If the party conducting the
32 cross examination continuously violates directions from the Chair to end a
33 line of questioning deemed irrelevant and merely designed to harass,
34 intimidate or embarrass the individual, the Chair may terminate the cross
35 examination.
36
37 k. Town staff shall be given time for rebuttal, if requested. Town staff shall be
38 subject to cross-examination.
39
40 l. The Applicant/Respondent shall be given time for rebuttal, if requested, and
41 shall be subject to cross-examination.
42
43 m. The Chair closes the public hearing. Members shall discuss the matter in
44 public session and render a decision. No further presentations or testimony
45 shall be permitted unless directed by the Town Board conducting the public
46 hearing.

1
2 **(f) Rules of evidence.**
3

- 4 (1) The Town Board shall not be bound by the strict rules of evidence, or limited only
5 to consideration of evidence which would be admissible in a court of law.
6
- 7 (2) The Town Board may exclude evidence or testimony which is not relevant,
8 material, or competent, or testimony which is unduly repetitious or defamatory.
9
- 10 (3) The Town Board will determine the relevancy of evidence.
11
- 12 (4) Matters relating to an application's consistency with the Town Comprehensive
13 Plan or Land Development Code will be presumed to be relevant and material.
14
- 15 (5) Hearsay evidence may be used for the purpose of supplementing or explaining
16 other evidence, but it shall not be sufficient by itself to support a finding unless it
17 would be admissible over objection in a court.
18
- 19 (6) Documentary evidence may be presented in the form of a copy of the original, if
20 available. Oversized exhibits shall be copied and reduced for convenient record
21 storage.
22
- 23 (7) Statements and arguments of attorneys are not to be considered evidence in the
24 case or instruction on the law but are arguments to assist in the proper
25 understanding of the issues, evidence and law, unless the Attorney has been duly
26 sworn and identified as a relevant fact or expert witness in the case.
27
- 28 (8) Only the Applicant, Respondent, Town staff and the members shall be entitled to
29 conduct cross examination when testimony is given or documents are made a part
30 of the record.
31
- 32 (9) The Town Attorney shall represent the Town Board and advise the Town Board
33 as to the procedures to be followed.
34
- 35 (10) The Town Board shall take judicial notice of all state and local laws, ordinances
36 and regulations and may take judicial notice of such other matters as are generally
37 recognized by the courts of the state.
38
- 39 (11) Supplementing the record after the quasi-judicial hearing is prohibited, unless
40 specifically authorized by an affirmative vote of the Town Board under the
41 following conditions:
42
- 43 a. The supplementation occurs after a quasi-judicial hearing is continued but
44 prior to final action being taken on the application.
45

1 b. If a question is raised by the Town Board at the hearing which cannot be
2 answered at the hearing, the Party to whom the question is directed may
3 submit the requested information in writing to the Town Board after the quasi-
4 judicial hearing, with copies to the other parties, provided the hearing has
5 been continued or another hearing has been scheduled for a future date and no
6 final action has been taken by the Town Board. The information requested
7 will be presented to the Town Board at the time of the continued hearing.

8
9 (12) The Town Board may reconsider its decision only within the time permitted by
10 the Florida Rules of Appellate Procedure for an appeal from the original order.
11 Reconsideration shall require a supplemental quasi-judicial hearing with full
12 notice under Division 3.9 paid for by the party requesting the reconsideration.

13
14 **(g) Final Decision by the Town Board.** The Town Board shall reach a decision without
15 unreasonable or unnecessary delay. The Town Board may, on its own motion or at the
16 request of any person, continue the hearing to a fixed date, time, and place. The final
17 adopted decision shall be reduced to writing in a Development Order and dated as of the
18 date of execution and filing by the Town Clerk. Notification of the final action shall be
19 available on the Town website and made available to any person who requests a copy
20 from the Town Clerk.

21
22 **(h) Record of the hearing.** Following the final disposition of the hearing, all evidence
23 admitted at the hearing, the official file, all Town staff reports, and the adopted
24 Development Order promulgating the decision of the Town Board shall be maintained in
25 a separate file constituting the record of the hearing. The record shall be kept in the
26 custody of the Town Clerk at all times during the pendency of the matter. The record will
27 be made available to the public for inspection upon request at any time during normal
28 business hours.

1 **ARTICLE 3. DEVELOPMENT APPROVAL PROCEDURES**

2
3
4 **DIVISION 3.1 GENERALLY**

5
6
7 (a) **Building Permit Required.** Every permitted use not subject to public hearing or
8 exempted from site plan approval under this Land Development Code, must receive site
9 plan approval from the Administrative Official. A building or other structure may not be
10 erected, demolished, moved, added to, or structurally altered, nor shall any site be cleared
11 or graded, until the Building Official has issued a permit for such work. A building
12 permit shall be granted only after the applicant has submitted all applications, including
13 appropriate supportive information, plans, and fees required by the Town of Miami
14 Lakes, and after the applicant has received anyall dDevelopment aApprovals required by
15 this Land Development Code from the Town Council, as applicable. In no case, unless
16 specifically stated, shall the provisions of any portion of the Code of the Town of Miami
17 Lakes, the Florida Building Code, or any other applicable code, be implemented so as to
18 exempt a development, property, or use from the requirements of any other applicable
19 code. In the event of a conflict between the Code of the Town of Miami Lakes and the
20 Florida Building Code, the Florida Building Code shall prevail.

21
22 (b) **Definitions.** The following definitions shall apply throughout this Land Development
23 Code.

24
25 1. **Administrative Official** shall mean the Town Manager of the Town of Miami
26 Lakes or his or her designee. The Town Manager may select various designees in
27 the performance of his or her responsibilities as appropriate based on expertise
28 and the efficient management and operation of the Town consistent with the
29 provisions of Division 2.3.

30
31 2. **Affected Party** shall mean the applicant or respondent or any adjacent property
32 owner which may be directly impacted by a decision of the Town.

33
34 3. ~~Such **Development aApprovals** may include, but are not limited to, the~~
35 ~~following:~~

- 36
37 1a. ~~Conditional Use permit (see Division 3.3).~~
38 2b. ~~Site plan approval (see Division 3.4).~~
39 3c. ~~Variance (see Division 3.5).~~
40 4d. ~~Official Zoning District Map Amendment (see Division 3.6).~~
41 5. ~~Text Amendment to the Land Development Code (see Division 3.6).~~
42 6. ~~Comprehensive Development Master Plan Amendment (see Division 3.7).~~
43 7e. ~~Pre-plat (see Division 3.8).~~
44 f. ~~Plat approval (see Division 3.8).~~
45 g. ~~Vacation (See Division 6.9).~~
46

1 4. Development Order shall mean any written order, resolution or ordinance
2 approving, approving with modifications or conditions, or denying an application
3 for any building permit, zoning permit, subdivision approval, rezoning,
4 conditional use, variance, or any other official action of local government having
5 the effect of permitting the development of land.

6
7 These land development regulations shall be supplemental to the Florida Building Code
8 and no approval shall be granted pursuant to this Land Development Code that is
9 inconsistent with the Florida Building Code.

10 Note: Deleted language replaced with more detailed language and
11 added to 3.1(a) above.

12
13
14 (b~~c~~) **Pre-application Conference.** A mandatory pre-application conference with the
15 Administrative Official is required prior to submitting applications for rezonings,
16 Comprehensive Plan amendments, site plan approvals, variances, or conditional use
17 approvals or vacations. The purpose of the pre-application conference is to provide
18 potential applicants an opportunity to discuss conceptual development and determine
19 applicable public policy and regulatory procedures. A potential applicant may request a
20 pre-application conference to discuss any other type of ~~d~~Development ~~a~~Approval and the
21 application requirements and procedures related thereto.

22
23 (e~~d~~) **Application and Fee for Building Permit and Development Approval.** All
24 applications for building permits or any other type of ~~d~~Development ~~a~~Approval, or for a
25 Land Development Code text amendment or Comprehensive Plan amendment shall be
26 filed with the Administrative Official, in a form specified by the Administrative Official
27 and in the number of copies as shall be required by the Administrative Official. The
28 application shall be accompanied by a fee for each type of application as is established
29 from time to time by the Town Council to defray the cost of processing the application
30 and no application shall be accepted nor a review conducted until the fee is paid to the
31 Town.

32
33 1. All applications shall include the following documents: for Development
34 Approval, text amendment to the Land Development Code (Division 3.6), or
35 Comprehensive Plan amendment (Division 3.7) shall include the following documents as
36 well as any other specific documents required in Division 3.2 (administrative approvals),
37 Division 3.3 (conditional uses), Division 3.4 (site plan approval), Division 3.5
38 (variances), Division 3.8 (plat approval), and Division 6.9 (vacations).

- 39
40 a. One (1) copy of the application signed by the applicant and by the property
41 owner, plus two (2) copies of all necessary supportive construction drawings
42 and documents:
43
44 b. Location map including geographic coordinates at a scale not less than
45 1"=1000';
46

- 1 c. Identification of key persons, including, if applicable, Owner; Owner's
2 Authorized Agent, if any; Architect and Engineer; Landscape Architect;
3 other representatives or professionals involved in the application, if any;
4
- 5 d. A verified statement disclosing the name of each person having a legal or
6 equitable ownership interest in the subject property. Where the owner is a
7 private corporation or partnership, the name of each person holding an
8 interest in such entity shall be disclosed; where the owner is a publicly held
9 corporation, the stock of which is traded on a nationally recognized stock
10 exchange, the names and addresses of the corporation and principal
11 executive officers shall be disclosed, together with the names of any
12 stockholder owning a majority of the stock;
13
- 14 e. A current certified survey or its equivalent, which accurately depicts site
15 conditions in a manner acceptable to the Administrative Official, at a scale
16 not less than one (1) inch equals thirty (30) feet, certified by a Florida
17 registered land surveyor. Where a survey is more than five (5) years old, the
18 owner shall verify by affidavit that the survey is accurate;
19
- 20 f. Sealed elevation plans showing all four elevations (i.e., north, south, east
21 and west), including heights, distances, and dimensions of both existing and
22 proposed new building conditions;
23
- 24 g. Sealed floor plans of all existing buildings (cross hatched) with proposed
25 additions. Revisions shall be clouded;
26
- 27 h. A scaled site plan as required by Division 3.4;
28
- 29 i. Copies of all applicable past ~~variances~~ Development Orders and ~~resolutions~~
30 applicable to the site;
31
- 32 j. Copies of permits and approvals required by other agencies;
33
- 34 k. Legal description;
35
- 36 l. Such other information as required by the Administrative Official as may be
37 necessary to determine conformance with and provide for the enforcement
38 of the Land Development Code;
39
- 40 m. In order to assure that proposed developments are developed in compliance
41 with the provisions contained in the Land Development Code, the
42 Administrative Official shall require proof of land ownership by warranty
43 deed or other instrument approved by the Town. The Administrative
44 Official may require a property owner to file supporting legal instruments as
45 outlined below.
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- Unity of Title. A unity of title, or other similar agreement or covenant, may be required to be submitted on a form approved for legal sufficiency by the Town Attorney.

- Maintenance of Common Areas and Facilities. A homeowners' association, or similar association, shall be created for the entire development (total property) as a master association, which shall provide for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land. This does not preclude individual associations for each phase in regard to maintenance of buildings and other common areas so long as said associations, or the members thereof, are made members of the master association; or, the property owner shall execute and record among the public records a covenant running with the land for the entire property providing for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land.

- Reciprocal Rights or Cross-easements. Recordable documents may be required to establish reciprocal rights or covenants in cross easements for purposes of facilitating effective provision and maintenance of infrastructure, including water and sewer lines, common parking areas, streets, driveways, entrances, exits, and similar improvements provided for the common benefit pursuant to this Land Development Code.

- Breach of Agreements. The recording of separate mortgages on each phase subsequent to the recording of a unity of title or other similar agreement or covenant shall not be deemed as a breach of the agreement, nor shall sales of individual units in the development.

2. The Administrative Official may ~~make a written determination to~~ waive required application documents if in his determination they are not necessary to protect the public interest or adjacent properties; or bear no relationship to the proposed project or its impacts on the environment, public facilities or adjacent land uses; ~~or are impractical based on the characteristics of the proposed use.~~

3. Each application shall also contain documents as may be required by the specific additional ~~d~~Development ~~a~~Approval process that applies to the application, pursuant to the relevant sections of this Land Development Code.

(de) **Review for Completeness**. Upon receipt of any application for Development Approval, the Administrative Official shall have ten (10) working days for residential applications and fourteen (14) days for non-residential applications to determine that the application is complete and, thereafter, accept or reject the application. The Administrative Official shall notify the applicant in writing of the acceptance or rejection, including written

1 findings of non-completeness, if rejected. The Administrative Official shall not be
2 required to take further action on the application until the deficiencies are remedied. An
3 applicant who has submitted an application, which is not deemed to be complete and
4 accepted by the Administrative Official within 180 days after an initial written rejection
5 pursuant to this paragraph, shall be provided a final 10 day written notice to complete the
6 application. Applications shall be automatically closed and the file returned to the
7 applicant if the applicant fails to complete the application within 10 days of the date of
8 the Administrative Official's application notice to complete the application. Once the
9 application is determined complete, it shall be reviewed in accordance with the applicable
10 provisions of this Land Development Code. However, any modification to the
11 application thereafter shall require an additional completeness determination pursuant to
12 this paragraph, and may delay the processing of the application, or review and action on
13 the requested approval.

14
15 (f) **Application Deadline.** No application shall be scheduled for public hearing less than 35
16 days after final acceptance of the application by the Administrative Official unless this
17 deadline is waived by the Administrative Official. New or amended applications, site
18 plans or other materials submitted less than 35 days before a public hearing may result in
19 a deferral by the Administrative Official to the next available public hearing date.

20
21 (eg) **Administrative Official Review and Recommendation.**

22
23 1. Each application shall be reviewed by the Administrative Official or designee.
24 ~~The Administrative Official may retain consultants to assist in the review of an~~
25 ~~application if the nature and content of the application requires professional~~
26 ~~expertise in one or more professions not available on the Town staff. The cost of~~
27 ~~retaining the consultants shall be borne by the Applicant in the manner set forth~~
28 ~~by resolution of the Town Council. The Administrative Official shall review each~~
29 ~~application for compliance with all applicable land development regulations.~~

30
31 (a) The Administrative Official may retain consultants to assist in the review
32 of a Development Approval application, text amendment to the Land
33 Development Code, or Comprehensive Plan amendment, and recover
34 consultant, staff, legal and administrative fees and costs when the
35 application requires professional expertise in one or more professions not
36 available on the Town staff, or the application meets one (1) or more of
37 the following criteria:

38
39 1) Encompasses two (2) or more acres of land within the application; or

40
41 2) Proposes fifty (50) or more dwelling units and/or twenty thousand
42 (20,000) square feet of nonresidential building area; or

43
44 3) Requires, by the nature and content of the application, professional
45 expertise in one (1) or more professions not available on the
46 administrative staff of the Town.

1
2 (b) The cost of retaining the consultants, staff administration and legal fees
3 shall be borne by the applicant consistent with the provisions of this Land
4 Development Code. All fees and costs pursuant to this section shall be
5 paid in full seven (7) days prior to public hearing. Failure to meet this
6 requirement shall result in an automatic deferral to the next available
7 zoning hearing meeting and the applicant shall be responsible for any
8 additional notification and advertising costs.
9

10 *Note: Consultant costs language consolidated from other Divisions*
11 *and expanded to include cost of staff administration and legal fees*
12 *in preparation and evaluation of the application.*
13

- 14 2. Application Conferences. In addition to the pre-application conference, ~~One~~ or
15 more conferences between the representatives of the applicant and the
16 Administrative Official ~~and designated staff~~ may be required in order to expedite
17 the review of the proposed development, coordinate local review with respect to
18 all applicable Town ordinances, and to inform the Town staff of the proposed plan
19 in preparation. The conferences shall be informal and focus primarily on the
20 following:
21
- 22 a. To inform the Town staff of any related ~~dDevelopment~~ aApprovals in
23 order to facilitate Town planning including, but not limited to, the efficient
24 management of issues related to public facilities and service impacts and
25 any area-wide land use impacts.
26
 - 27 b. To inform the applicant of the Town's planning policies and potential
28 issues surrounding the scale and character of the proposed development,
29 including related land use and infrastructure concerns, as well as impacts
30 on schools and other public services. Town staff will alert the applicant to
31 applicable ordinances and regulations as well as specific issues regarding
32 the site and proposed plan for its development.
33
 - 34 c. To clarify and inform both the applicant and the Town concerning the
35 ~~dDevelopment~~ aApproval procedure.
36
- 37 3. In cases where the Administrative Official must provide review and
38 recommendation to the Town Council, the Administrative Official shall provide a
39 written staff report, together with recommendations for denial, approval or
40 approval with modifications and/or conditions, ~~including such conditions that the~~
41 ~~Administrative Official deems advisable~~. The Administrative Official shall
42 schedule any public hearing that may be required and shall advise the Applicant
43 as to any public notice requirements for the approval. Public notices shall be
44 provided pursuant to Division 3.9 of this Land Development Code.
45
46

1
2
3 **(fh) Continuance, Withdrawal, or Deferral or Denial with Prejudice.**
4

- 5 1. Without Prejudice. The applicant shall be entitled to a continuance, to the next
6 public hearing date, or withdrawal, without prejudice, of an application for
7 dDevelopment aApproval -if the request is made not later than five (5) working
8 days before final action of the application by the decision-making body or person.
9 Requests for subsequent continuances or for a continuance or withdrawal received
10 later than five (5) working days before the date the decision is to be made, or the
11 public hearing is to take place, may shall be granted at the discretion of by the
12 decision-making body or person and any withdrawal so granted shall be only
13 with or without prejudice unless otherwise designated.
14
- 15 2. The Administrative Official may administratively defer or remove an application
16 from the agenda if it requires additional research or information, or would
17 otherwise be prematurely before the Council. Any public hearing which is held
18 after a deferral which is required due to insufficiencies in the application,
19 information or materials provided by the applicant, or which is deferred due to
20 actions of the applicant, shall, as necessary, be re-noticed at the expense of the
21 applicant.
22

23 **(i) Development Approval Action by Town Council or Designated Town Board.**
24

- 25 1. With the exception of rezoning applications, the Town Council or designated Town
26 board may approve, approve with modifications and/or conditions, or deny any
27 Development Approval application. Rezoning applications may be approved or
28 denied.
29
- 30 2. The record shall reflect whether an Town Council action is with or without prejudice.
31
- 32 3. Unless otherwise designated by the decision making body, a denial shall be with
33 prejudice.
34
- 35 4. Absent subsequent motion or action by the Town Council or designated Town board,
36 lack of approval, other than denial, shall constitute a denial without prejudice. A tie
37 vote shall not be considered an approval or denial. Absent subsequent motion or
38 action by the Town Council or designated Town board, an application receiving a tie
39 vote shall be automatically continued to the next available scheduled meeting.
40
- 41 5. All final actions on a Development Approval shall be announced by the Mayor, Chair
42 or Town Clerk, immediately following the vote determining such action and shall
43 thereafter be embodied in a written Development Order executed by the Chair or
44 Administrative Official and filed with the Town Clerk.
45

- 1 6. The Clerk shall record a certified copy of the Development Order in the Official
2 Records of the Clerk of the Circuit Court of Miami-Dade County, Florida.
- 3
- 4 7. In approving any Development Approval application, except rezonings, the Town
5 Council or designated Town Board, may prescribe appropriate modifications and/or
6 conditions, including a Development Approval expiration date or expiration event, to
7 mitigate the impact of the proposed development on neighboring properties and the
8 community and ensure safeguards in conformity with the Comprehensive Plan and
9 this Code or any other duly enacted ordinance.
- 10
- 11 8. Upon the expiration of any Development Approval pursuant to an expiration date or
12 expiration event prescribed by the Town Council or designated Town Board, the
13 property shall be required to conform to the requirements of the Land Development
14 Code in existence at the time of the Development Approval's expiration.
- 15
- 16 9. Violation of such conditions and safeguards included in any Development Approval
17 or Development Order shall be deemed a violation of the Land Development Code
18 and shall nullify the approval.
- 19

Note: Town Council Action consolidated from other Divisions and expanded to provide for Council imposed conditions.

(i) **Re-application.**

- 23 1. Without Prejudice.
- 24
- 25 a. Withdrawal. Whenever any application for a Development Approval is
26 withdrawn without prejudice it may be resubmitted at any time.
- 27
- 28 b. Denial. Whenever any application for Development Approval is denied
29 without prejudice, an application for Development Approval for all or part of
30 the same land shall not be accepted by the Administrative Official for a period
31 of 180 days after the date of denial, unless the subsequent application involves
32 a development proposal that is materially different from the prior application,
33 changed conditions exist, or the prior denial was based on a material mistake
34 of fact.
- 35
- 36 2. With Prejudice.
- 37
- 38 a. Withdrawal. Whenever any application for a Development Approval is
39 withdrawn with prejudice, an application for Development Approval for
40 all or part of the same land shall not be accepted by the Administrative
41 Official for a period of 180 days after the date of withdrawal, unless the
42 subsequent application involves a development proposal that is materially
43 different from the prior application or changed conditions exist.
44
- 45
- 46

1 b. Denial. Whenever any application for a Development Approval is or
2 denied with prejudice, an application for ~~d~~Development ~~a~~Approval for all
3 or part of the same land shall not be considered ~~accepted~~ for a period of
4 ~~one (1) year~~ 365 days after the date of denial, unless the subsequent
5 application involves a development proposal that is materially different
6 from the prior ~~application~~ proposal, changed conditions exist, or ~~unless the~~
7 ~~person or a majority of the Town Council, or whomever makes the final~~
8 ~~decision on the application determines that the prior denial was based on a~~
9 material mistake of fact.

10
11 3. Materially Different. For the purpose of this subsection (j), an application for
12 ~~d~~Development ~~a~~Approval shall be considered materially different if it involves a
13 change in use, or a change in intensity or ~~f~~ density of use of twenty-five percent
14 (25%) or more. ~~The body or person charged with the development application~~
15 ~~approval under such successive application~~ Administrative Official shall resolve
16 any questions concerning the similarity of a second application.

17
18 (gk) **Issuance of Building Permit.** A building permit shall be issued only after the
19 ~~Administrative Building~~ Official determines that the structure, building site and the
20 proposed use thereof comply with the requirements of this Land Development Code and
21 all ~~d~~Development ~~a~~Approvals granted pursuant to this Land Development Code. The
22 burden of such demonstration shall rest with the applicant. The building permit shall also
23 comply with the Florida Building Code and the applicable laws. The issuance of a permit
24 shall not be deemed to permit any violation of this Land Development Code or any other
25 Code of Ordinances and applicable laws. In the event of a conflict between this Code
26 and the Florida Building Code or other applicable code, the the Florida Building Code
27 shall prevail.

28
29 ~~(h) **Posting of Bond for Public Improvements.** The Town of Miami Lakes shall require the~~
30 ~~posting of a bond, letter of credit or cash bond covering a minimum of seventy five~~
31 ~~(75%) of the cost for required improvements to protect the public interest, including, but~~
32 ~~not limited to: drainage systems, potable water systems, wastewater disposal, roadway~~
33 ~~improvements, sidewalks, or other requisite public improvements.~~

34

<i>Note: Moved to appropriate location. See Division 3.8.D.5.</i>

35
36
37 (il) **Record of Action.** ~~One (1) copy of the development approval and its component parts,~~
38 ~~including all application materials, shall be returned to the applicant after the~~
39 ~~Administrative Official has marked such copy approved or disapproved and attested to~~
40 ~~same, by the Administrative Official's signature on the copy. The Clerk shall record, at~~
41 ~~the applicant's expense, a certified copy of any Development Order issued by the Town~~
42 ~~Council or other designated Town board or related to an administrative variance, in the~~
43 ~~Official Records of the Clerk of the Circuit Court of Miami-Dade County, Florida. The~~
44 ~~applicant's copy shall become part of include a copy of any final executed Development~~
45 ~~Approval with the construction plans and which shall be kept on the premises of~~
46 construction and available for review by the Town of Miami Lakes. ~~This copy of the~~

1 plan shall be considered as the Town's property and upon request shall be returned to the
2 Town. The other copies, similarly signed, shall remain with the Town of Miami Lakes
3 and become a public record.
4

- 5 ~~(j) **Required Display of Building Permit.** A building permit or copy thereof shall be kept
6 on the premises affected, in a conspicuous location visible from the public right-of-way
7 and protected from the weather, whenever construction work is being performed thereon.
8 An owner, contractor, worker or other person shall not perform any building operations
9 of any kind unless a building permit covering such operation is displayed as required by
10 this Land Development Code, nor shall they perform construction operations of any kind
11 after notification of the revocation of the building permit.~~

12
13

<i>Note: Duplicate language deleted. See building code.</i>

14

- 15 (km) **Inspections.** Where construction is proceeding or at any time during the course of the
16 valid period of a building permit, the Town staff shall be authorized to inspect the
17 premises to determine conformity with the approved plans as well as compliance with the
18 Building Code and Land Development Code.
19

- 20 (ln) **Development Approval Expirations and Extensions.** If, within twelve (12) months³⁶⁵
21 days of the date of a ~~d~~Development ~~a~~Approval under this Chapter a building permit has
22 not been issued, or the next phase of Development Approval has not been initiated, the
23 ~~Development a~~Approval shall become null and void; provided, however, that the
24 Administrative Official may grant a 180 day extension and the applicant may apply for a
25 second 180 day extension which may be approved by the original approving body and
26 applicant may jointly agree to extend such period of approval. All requests for extension
27 must be made to the Administrative Official prior to the expiration of the Development
28 Approval for which extension is sought. Once begun, construction of a project shall
29 continue to completion without interruption. Interruption shall be evidenced by ~~six~~ 180
30 ~~days~~ months or more of inactivity on the development site or the phase under
31 construction. In the event of interruption due to acts beyond the control of the applicant,
32 as determined by the Administrative Official, the expiration period of Development
33 Approvals shall be tolled, as permitted by the Administrative Official for a period not to
34 exceed 12 months³⁶⁵ days. Where a building permit expires prior to the Town's
35 consideration of an Development Approval extension application —under this
36 subsection~~for a new building permit~~, the Town may~~shall~~ require the filing of a new
37 Development Approval application that shall include necessary revisions to achieve
38 compliance with the most current Land Development Code and other applicable laws and
39 ordinances that may have been enacted after the original approval.
40

- 41 (mo) **Certificate of Occupancy or Certificate of Use.** Land shall not be occupied or used and
42 a building shall not hereafter be erected, altered, extended, used, moved, or changed in
43 use until the Administrative Official shall have issued a certificate of occupancy or a
44 certificate of use. The certificate shall state that the building, structure or proposed use
45 thereof complies with the provisions of the Land Development Code, Florida Building
46 Code, and other applicable~~adopted~~ building codes. ~~Where a certificate of occupancy is~~

1 | not applicable, a certificate of use shall be issued in the same manner as a certificate of
2 | occupancy.

3 |
4 | (np) **Building Permits or Development Approvals May Be Revoked.** Where a building
5 | permit or Development Approval has been issued that is subsequently found to violate
6 | any local or state codes, such permit or Development Approval may be revoked upon
7 | notice to the applicant, unless the applicant submits a revision to correct the violation and
8 | the Town accepts the revision.

9 |
10 | (oq) **Easements Not to Be Adversely Affected by Permits.** Where real property is
11 | encumbered by one (1) or more easements for drainage purposes, canal maintenance,
12 | water, sewage, gas, telephone, power lines, fire lanes, or similar purposes and the
13 | easement is of record, by deed, survey, plat, land use map, or otherwise, and is of notice
14 | to the Town of Miami Lakes, no building permit or Development Approval shall be
15 | issued unless the applicant therefore secures from the easement owner a written consent
16 | or statement that the proposed use, building or structure, if installed in the proposed
17 | manner, will not interfere with the owner's reasonable use of the easement. The
18 | easement areas of each lot shall be continuously maintained in good order by the owner
19 | of the lot.

20 |
21 | (pr) **Placement and Removal of Construction Materials/Site Grading.** Construction
22 | materials and equipment shall not be deposited on any premises, lot or proposed building
23 | site prior to the obtaining of a building permit as required herein. Only materials
24 | applicable to the permitted work on the site shall be placed on that site and no materials
25 | shall be stored overnight within five (5) feet of any property line. —A site shall not be
26 | graded nor shall trees be removed until a permit is issued. Surplus materials, construction
27 | debris, and construction equipment shall be removed from the premises if the job is
28 | abandoned or delayed, and before a certificate of occupancy and/or certificate of use shall
29 | be approved.

1 **DIVISION 3.2 DEVELOPMENT APPROVALS BY THE ADMINISTRATIVE**
2 **OFFICIAL**
3
4

5 (a) **Permitted Use.** The Administrative Official shall have the authority to review and take
6 final action on applications for a ~~d~~Development ~~a~~Approval for a permitted use in the
7 zoning district in which development is proposed. ~~Every permitted use not subject to~~
8 ~~public hearing or exempted under this Land Development Code, except as exempted~~
9 ~~below or any site plan application requiring final approval by the Town Council,~~ must
10 receive site plan approval from the Administrative Official. After reviewing all staff
11 comments, the Administrative Official shall act to approve, approve with modifications
12 and/or conditions, or deny the site plan based on the criteria for site plan approval
13 contained in Division 3.4 of this Land Development Code. The Administrative Official
14 shall provide written comments documenting any modifications and or conditions of
15 approval. If the site plan is denied, the Administrative Official shall specify in writing
16 the reasons for the denial.
17

18 (b) **Improvements Exempted from Site Plan Review.** The Administrative Official shall
19 have the authority to review and act on the following improvements that are exempted
20 from site plan review provided all applicable requirements of this Land Development
21 Code are met:
22

- 23 1. Individual ~~S~~single-family ~~and two-family dwellings and duplexes;~~ however, for
24 single-family or ~~duplex~~two-family lakefront properties, any improvements or
25 structures on the waterside of the top of the slope require administrative site plan
26 review.
27
- 28 2. Landscape changes which do not decrease the landscape or pervious area;
29
- 30 3. Decks or walkways which do not exceed 12 inches above existing grade and do
31 not reduce the landscaped or pervious area below the minimum requirements;
32
- 33 4. Utility or storage sheds or accessory buildings ~~which do not exceed 100 square~~
34 ~~feet, so long as provided~~ each lot or contiguous area under unity of title does not
35 exceed one shed per property;
36
- 37 5. Fences;
38
- 39 6. Flag poles;
40
- 41 7. Signs, unless the signs are part of a new building or development which requires
42 site plan approval;:-
43
- 44 8. Alterations or remodeling to existing buildings which affect less than fifty (50)
45 percent of the floor area of the principal building or use, or the cost of said

1 alterations or remodeling is less than fifty (50) percent of the fair market value of
2 the improvement of the site prior to the alterations or improvements.

3
4
5 Any of the improvements exempted above, which fail to meet the requirements of this
6 Land Development Code, shall require denial of the application, or site plan review under
7 Division 3.4 if appropriate, unless a variance approval is obtained under this Division 3.2
8 or Division 3.5 as applicable.

9
10 Exemption of any items listed above shall not ~~apply eliminate any of the enumerated~~
11 ~~items from the requirements of the site plan review process if the item is a part~~
12 ~~component of a proposed project or improvement that is subject to site plan review.~~

13
14 (c) **Administrative Site Plan Review.** Single-family or two-family lakefront properties
15 with any improvements or structures on the waterside of the top of the slope, sites
16 exempted from public hearing pursuant to 3.4(f)(3), and any other applications as
17 designated in this Land Development Code, require administrative site plan approval.

18
19 1. An application for an administrative site plan shall be submitted to the Administrative
20 Official pursuant to the requirements of Division 3.1 and accompanied by a fee as
21 established by the Town from time to time.

22
23 2. The Administrative Official shall review the site plan pursuant to the requirements
24 and criteria of Division 3.4 as applicable.

25
26 3. Any proposed site plan which requires a conditional use or variance approval shall
27 require a public hearing for the conditional use and/or variance approval. The
28 remainder of the site plan may be processed administratively subsequent to a
29 determination on the conditional use and/or variance requests by the Town Council or
30 designated Town Board. Any proposed site plan which has not received a vested
31 rights determination or does not meet concurrency shall require site plan approval
32 through public hearing.

33
34 4. Notice shall be provided, at the expense of the applicant, as provided herein and
35 pursuant to Division 3.9.

36
37 (cd) **Minor Site Plan Amendments.**

38
39 1. **Site Plan Amendments.** Any changes or amendments to an approved site plan
40 shall require a re-submission in accordance with the provisions of this Chapter.

41
42 2. **Minor Site Plan Amendments.** However, if the Administrative Official
43 determines that the requested site plan change is minor or the change is defined
44 within this Land Development Code as a Minor Site Plan Change or Amendment,
45 the Administrative Official shall have the authority to review and approve,
46 approve the minor change with or without modifications and/or conditions or

1 deny the minor Change or Amendment. ~~The Administrative Official shall not~~
2 ~~approve~~ providing the amended site plan complies with the following unless he
3 finds that the changes:

- 4
- 5 1. a. ~~Are~~Is compliant with the minimum requirements of the Code;
- 6
- 7 2. b. ~~Does~~ not increase the intensity of the project;
- 8
- 9 3. c. ~~Does~~ not violate any conditions of the original approval;
- 10
- 11 4. d. ~~Does~~ not increase the Floor Area of the project;
- 12
- 13 5. e. ~~Are~~Is compliant with concurrency requirements; and
- 14
- 15 6. f. ~~Satisfactorily addresses~~ land use compatibility, buffering, screening, and
- 16 landscaping.
- 17

18 Prior to the release ~~issuance~~ of a Certificate of Occupancy, a Certificate of Use or a
19 release of bond, the Applicant shall file with the Town an as-built site plan showing the
20 approved changes.

21

22 (de) **Moving of Buildings and Structures; Bond Required.** No building or structure shall
23 be moved from one (1) lot or premises to another unless the building or structure shall
24 thereupon be made to conform to all the provisions of this Land Development Code. A
25 building shall not be moved ~~on, across or along a public street~~ without a permit being
26 obtained from the Administrative Official. The building to be moved shall be routed over
27 public rights-of-way as directed by the Administrative Official. The Administrative
28 Official shall require as a condition of a permit to move a building or structure from one
29 (1) lot or premises to another that the permit holder post a bond, either in cash or surety
30 company bond, meeting with the approval of the Administrative Official. The bond may
31 be a cash bond, not to exceed two thousand five hundred dollars (\$2,500.00), deposited
32 with the Town Clerk, or a surety bond, payable to the Town of Miami Lakes, and shall be
33 conditioned upon the Applicant's compliance in all respects with the Building and Land
34 Development Codes pertaining to the area on which such a building is to be moved.

35

36 (ef) **Administrative (de minimus) ~~Setback~~ Variances.** When the literal or strict
37 enforcement of the provisions of this Land Development Code causes unusual,
38 exceptional, unnecessary difficulties or undue hardship or injustice because of the size of
39 the tract, parcel or lot, the topography, the condition or nature of adjoining areas or the
40 existence of other unusual physical conditions, the Administrative Official ~~or his or her~~
41 ~~designee~~ may grant a variance ~~for to the setback, area and height requirements found in~~
42 this Land Development Code in accordance with the following procedure:

- 43
- 44 (1.) An application for an administrative A-variance for a setback requirement shall be
45 submitted to the Administrative Official ~~or his or her designee~~ in the form of a

1 | written application prepared by the Town and accompanied by a fee in an amount
2 | as established by the Town from time to time.

3 |
4 | (2.) The application shall set forth the reasons justifying the administrative granting of
5 | the variance including: i.e.

6 |
7 | 1a.) special conditions and circumstances that exist which are particular to the
8 | land involved and are not applicable to other surrounding lands; and

9 |
10 | b.2) the basis for seeking to encroach into the setback requirements a variance;

11 |
12 |
13 | c. (3) The applicant shall clearly identify how a literal interpretation of
14 | the provisions of this Land Development Code would deprive the applicant
15 | of rights commonly enjoyed by other properties located in the Town; and

16 |
17 | d.4) that the granting of the variance requested will not confer on the applicant
18 | any special privilege that is otherwise denied other similarly situated lands,
19 | buildings, or structures in the same zoning district plans; and

20 |
21 | e. an explanation of how the request meets the requirements for approval under
22 | this Division.

23 |
24 | (43.) To approve a variance application, the Administrative Official shall find

25 |
26 | a. That the requirements of this Division paragraph (e) have been met; and

27 |
28 | b. The reasons set forth in the application justify the administrative granting
29 | of the variance; and

30 |
31 | c. That the variance is the minimal variance that would make possible the
32 | use of the land; and

33 |
34 | d. That the granting of the variance would be in harmony with the general
35 | purpose and intent of the Code of Ordinances; and

36 |
37 | e. That the variance shall not be injurious to the surrounding property owners
38 | and impair desirable general development of the neighborhood or the
39 | community as proposed in the Town's eComprehensive pPlan or otherwise
40 | be detrimental to the public welfare.

41 |
42 | (54.) An administrative variance granted under this section shall not be permitted for
43 | new pre-construction applications or complete reconstruction of a building on
44 | vacant land and shall only be applicable for accessory structures, accessory
45 | buildings and additions and remodelings to existing buildings. The sum of all
46 | setback variances approved by the administrative official under these

1 administrative procedures shall not exceed twelve (12) inches for setbacks and
2 area and three (3) inches for fence height for each property or lot.

3
4 **g) Notice of Administrative Action.**

5
6
7 (1.6) Variance. The Administrative Official shall, at the expense of the applicant,
8 provide legal publication and posted notice of an application for variance
9 approval on the subject property, and shall give written notice to adjacent
10 property owners, of his preliminary determination regarding the administrative
11 variance as provided in Division 3.9, and shall hear any objections regarding the
12 preliminary determination during a subsequent thirty (30) day period. At the
13 conclusion of the thirty day (30) period, the Administrative Official shall approve,
14 approve with modifications and/or conditions, or deny the administrative variance
15 request by written Development Order.

16
17 2. Site Plan. With the exception of Minor Site Plan Amendments under Division
18 3.2(d), the Administrative Official shall, at the expense of the applicant, provide
19 posted notice of an application and his preliminary determination for
20 administrative site plan approval on the subject property, pursuant to Division 3.9,
21 and shall hear any objections regarding the preliminary determination during a
22 subsequent fifteen (15) day period. For any application which encompasses 2 or
23 more acres of land, proposes fifty (50) or more dwelling units and/or twenty
24 thousand (20,000) square feet or more of nonresidential building area, written
25 notice shall also be provided to adjacent property owners at the same time as the
26 property is posted, pursuant to Division 3.9. At the conclusion of the fifteen (15)
27 day period, the Administrative Official shall approve, approve with modifications
28 and/or conditions, or deny the administrative site plan request by written
29 Development Order.

30
31 **h) Appeal of Administrative Action.** ~~(7) An applicant shall have thirty (30)~~
32 ~~days from the issuance of an order denying an application for variance to file an appeal~~
33 ~~with the Town Clerk for the matter to be heard by the Town Council. The appeal shall be~~
34 ~~filed with the Town Clerk no later than thirty (30) days from the date of the order. The~~
35 ~~appeal shall clearly state that the denial of the application for the variance constitutes an~~
36 ~~error by the administrative official and that the interpretation of any portion of the~~
37 ~~regulations or an interpretation of the criteria set forth in this section. Any aggrieved~~
38 ~~applicant who shall file an appeal of the denial of the administrative variance shall have~~
39 ~~the opportunity to have the matter heard before the Town Council at its next regularly~~
40 ~~scheduled meeting. The Town Council shall conduct a de novo, quasi-judicial public~~
41 ~~hearing on the appeal and issue a written determination approving, approving with~~
42 ~~conditions, or denying the variance.~~

43
44 1. Any person affected by an written decision of the Administrative Official
45 regarding the provisions of this Land Development Code may appeal such
46 decision to the Town Council. The appeal shall be initiated within 30 days of the

1 date of the executed decision, unless otherwise specified in the Town Code, by
2 filing an appeal with the Administrative Official in a form specified by the Town,
3 and shall be accompanied by an application fee that is established by the Town
4 Council to defray the actual cost of processing the appeal. Failure to file an
5 appeal within the time frame specified, and exhaust all administrative remedies
6 provided for in this Land Development Code, shall constitute a waiver of all
7 rights to appeal any decision made by the Town.

8
9 2. The Town Council shall conduct a quasi-judicial hearing on the appeal pursuant
10 to the provisions of this code which shall be scheduled for the first available
11 Town Council zoning meeting upon completion of the Administrative Official
12 review and evaluation of the application, or such time as is mutually agreed upon
13 between the applicant and the Administrative Official, providing adequate time
14 for the public notice requirements of Division 3.9 to be satisfied. The person
15 appealing the decision shall be responsible for the cost of providing notice of the
16 hearing in accordance with the provisions of Division 3.9.

17
18 3. An appeal stays all development review proceedings, except enforcement
19 proceedings, in furtherance of the action appealed from.

20
21 4. At the public hearing, the Town Council shall consider the appeal, the relevant
22 support materials, the Administrative Official's recommendations, and public
23 testimony given at the hearing. If at any time during the public hearing the Town
24 Council determines that the appeal is based upon incomplete or inaccurate
25 information or misstatements of fact, it may deny the appeal or refer the
26 application back to the Administrative Official for further review and revised
27 recommendations. The Town Council, in reviewing the appeal under this
28 Division, shall presume the original decision of the Administrative Official was
29 correct and shall only overturn such decision where there has been an error of fact
30 or law.

31
32 5. When the Town Council considers an appeal of an Administrative Decision, no
33 decision shall be overturned unless the Town Council determines that there was
34 an error of fact or law in the decision of the Administrative Official.

35
36 6. At the close of the public hearing, the Town Council shall, by Development
37 Order, approve, approve with modifications and/or conditions, or deny the appeal.
38 The applicant, or any affected person who has opposed it at the public hearing,
39 may appeal any decision of the Town Council by filing an appeal in accordance
40 with the procedures provided by the Florida Rules of Civil Procedure and the
41 Florida Rules of Appellate Procedure.

1 **DIVISION 3.3**

2 **CONDITIONAL USE APPROVAL**

3 (a) **Generally.** The purpose of this division is to ensure that a Conditional Use, a use that would
4 not be appropriate without restriction throughout the land use district, but which, if controlled
5 as to number, area, location, hours of operation, and relation to the neighborhood or impacted
6 vicinity, would promote the public health, safety, welfare, order, comfort, convenience,
7 appearance, or prosperity of the neighborhood, shall only be permitted on specific sites as
8 provided in a particular zoning district or as provided in this Land Development Code, where
9 the proposed use may be adequately accommodated without generating adverse impacts on
10 properties and land uses within the immediate vicinity. This division sets forth the
11 procedures and criteria for approval of conditional uses on specific sites. A conditional use
12 shall be permitted only upon a finding that the proposed use satisfies the provisions specific
13 review criteria of this Division and other requirements of this Land Development Code.
14 An approval of a conditional use does not eliminate the need for other approvals, which may
15 be required under this Land Development Code, including but not limited to site plan review.
16 Site plan approvals shall be processed concurrently with the conditional use application (and,
17 if required, the site plan public hearing shall be held jointly with the conditional use public
18 hearing) and the requirements of Divisions 3.1, 3.2, 3.3 and 3.4, as applicable shall be met.
19 Any uses specified in the Town’s Land Development Code as an “Unusual Use” shall be
20 treated and processed as a Conditional Use under this Division.

21
22 (b) **Review Procedures.**

23
24 1. Application and Administrative Official Review. ~~The application for a~~
25 ~~conditional use shall follow the submittal requirements in Section 3.4 for Site~~
26 ~~Plan review applications requiring approval by the Town Council and as~~
27 ~~supplemented by this division. A mandatory pre-application and site plan~~
28 ~~approval is required. In addition to the general provisions of Division 3.1, an~~
29 ~~application for a conditional use shall describe how the specific land use proposed~~
30 ~~meets the criteria described below, and shall include a description of any~~
31 ~~measures proposed to mitigate against possible adverse impacts of the proposed~~
32 ~~conditional use on properties in the immediate vicinity. Unless any of the~~
33 ~~following requirements are waived by the Administrative Official pursuant to~~
34 ~~Division 3.1, all applications for a conditional use approval, shall include a site~~
35 ~~plan which addresses the following requirements: In addition, the application~~
36 ~~shall clearly describe:~~

- 37
38 a. Scale and intensity of the proposed conditional use as measured by the
39 following:
40 i. Floor area ratio and impervious surface ratio;
41 ii. Traffic generation;
42 iii. Square feet of enclosed building for each specific use;
43 iv. Proposed employment;
44 v. Proposed number and type of service vehicles; and
45 vi. Off-street parking needs.
46

- b. On- or off-site improvement needs generated by the proposed conditional use and not identified on the preceding list to include the following:
 - i. Utilities;
 - ii. Accessory structures or facilities;
 - iii. Roadway or signalization improvements, or other similar improvements;
 - iv. Public facility improvements required to ensure compliance with concurrency management provisions provided in the Code; and
 - v. Other unique facilities or structures proposed as part of site improvements.

- c. On-site amenities proposed to enhance site and planned improvements. Amenities may include mitigative techniques such as:
 - i. Open space;
 - ii. Setbacks from adjacent properties;
 - iii. Screening and buffers;
 - iv. Landscaped berms to mitigate against adverse impacts to adjacent sites; and
 - v. Mitigative techniques to abate smoke, odor, noise, and other noxious impacts.

2. ~~Action by Town Council. Upon receipt of the Administrative Official's report and recommendations, and concurrent with its consideration of the site plan, the Town Council shall schedule a public hearing pursuant to Division 3.9 of this Land Development Code. The Town Council may continue a hearing for up to one month, if necessary, in order to gather additional information. No conditional use shall be acted upon until the required public hearing has been held with required notice. The Town Council shall conduct a quasi-judicial hearing pursuant to the Town Code of Ordinances, and shall issue a Resolution approving, approving with conditions, or denying the conditional use. The Resolution shall contain a written record of findings and any conditions of approval. The Town Council shall follow the procedures in Division 3.1 and shall, pPrior to taking action on a conditional use application, hold a quasi-judicial public hearing. Notice of the public hearing shall be given as provided in Division 3.9~~

Note: Deleted language regarding Action by Town Council moved to 3.1.

(c) 3. **Specific Criteria for Approving a Conditional Use.**

A conditional use shall be permitted upon a finding by the Town Council that the proposed use, application, and site plan ~~comply with~~ satisfies the criteria herein specified. A conditional use shall be denied if the Town Council determines that the proposed use does not meet the criteria herein provided or is adverse to the public interest. The applicant shall demonstrate the following:

1
2 | 1a. Land Use Compatibility. The conditional use, including its proposed scale
3 and intensity, traffic generating characteristics, and off-site impacts shall
4 be compatible and harmonious with adjacent land uses and shall not
5 adversely impact land use activities in the immediate vicinity.

6 |
7 | For purposes of a conditional use review, Ccompatibility is defined as a
8 condition in which land uses or conditions can coexist in relative
9 proximity to each other in a stable fashion over time such that no use or
10 condition is unduly negatively impacted directly or indirectly by another
11 use or condition. Compatibility of land uses is dependent on numerous
12 development characteristics which may impact adjacent or surrounding
13 uses. They include: type of use, density, intensity, height, general
14 appearance and aesthetics, odors, noise, smoke, vibration, traffic
15 generation and nuisances. Compatibility shall be measured based on the
16 following characteristics of the proposed use or development in
17 relationship to surrounding development in the immediate area:

- 18 |
19 | 4i. Permitted uses, structures and activities allowed within the land
20 use category.
21 | 2ii. Building location, dimensions, height, and floor area ratio.
22 | 3iii. Location and extent of parking, access drives and service areas.
23 | 4iv. Traffic generation, hours of operation, noise levels and outdoor
24 lighting.
25 | 5v. Alteration of light and air.
26 | 6vi. Setbacks and buffers such as fences, walls, landscaping and open
27 space treatment.
28 |

29 | 2b. Sufficient Site Size, Site Specifications, and Infrastructure to
30 Accommodate the Proposed Use. The size and shape of the site, the
31 proposed access and internal circulation, and the urban design must be
32 adequate to accommodate the proposed scale and intensity of conditional
33 use requested. The site shall be of sufficient size to provide adequate
34 screening, buffers, landscaping, open space, off-street parking, efficient
35 internal traffic circulation, infrastructure and similar site plan
36 improvements needed to mitigate against potential adverse impacts of the
37 proposed use.
38 |

39 | 3c. Compliance with the Comprehensive Plan and Land Development Code.
40 The conditional use ~~and site plan~~ shall comply with environmental,
41 zoning, concurrency and other applicable regulations of this Land
42 Development Code, and shall be consistent with the Comprehensive Plan.
43 |

44 | 4d. Proper Use of Mitigative Techniques. The conditional use and site plan
45 shall incorporate mitigative techniques needed to prevent adverse impacts
46 to adjacent land uses. In addition, the design scheme shall appropriately

1 address off-site impacts to ensure that land use activities in the immediate
2 vicinity, including community infrastructure, are not burdened with
3 adverse impacts detrimental to the general public health, safety and
4 welfare.
5

6 | 5e. Hazardous Waste. No conditional use which generates hazardous waste or
7 uses hazardous materials shall be located in the Town unless the specific
8 | location is consistent with the Comprehensive Plan, and Land
9 Development Code, and does not adversely impact wellfields, aquifer
10 recharge areas, or other conservation resources, as may be applicable now
11 or in the future. The proposed use shall not generate hazardous waste or
12 require use of hazardous materials in its operation unless the Town
13 Council approves conditions requiring mitigative techniques designed to
14 prevent any adverse impact to the general health, safety and welfare. The
15 | mitigation plan and conditions imposed by the Town Council shall provide
16 for appropriate identification of hazardous waste and hazardous material,
17 and regulate its use, storage and transfer consistent with best management
18 principles and practices.
19

1 **DIVISION 3.4** **SITE PLAN APPROVAL**

2
3
4 (a) **Purpose.** The purpose of site plan review is to ensure that:

- 5
6 1. Development of individual sites is consistent with all applicable land use
7 regulations and all other applicable standards and requirements of the Town Code,
8 prior to issuance of development permits;
9
10 2. Development aApprovals are based upon the provision and availability of
11 adequate public facilities and services coincident with the impact of the
12 development;
13
14 3. Development and supportive facilities and services further the public health,
15 safety, comfort, order, appearance, convenience, morale and general welfare; and
16
17 4. Development is compatible and coordinated with existing and anticipated
18 development within the immediate area surrounding the site.
19

20 (b) **Development and Uses Requiring Site Plan Review.** All permitted and conditional
21 uses shall require site plan approval unless otherwise exempted from such approval by
22 this Land Development Code, or unless waived by the Town Council pursuant to this
23 Land Development Code. No structure or parking area, or part thereof, shall be erected or
24 used, or any change of use consummated, nor shall any building permit be issued
25 therefore unless a site plan for such structure or use shall have been submitted, reviewed
26 and approved pursuant to the provisions of this Land Development Code. All buildings,
27 or structural alterations or remodeling of buildings, where said alterations or remodeling
28 affects fifty (50) percent or more of the floor area of the principal building or use, or the
29 cost of said alterations or remodeling exceeds fifty (50) percent of the fair market value
30 of the improvement of the site prior to the alterations or improvements, shall require site
31 plan approval under Division 3.2 or Division 3.4 as applicable. All land improvements
32 and site alterations of any nature whatsoever shall comply with these site plan
33 regulations.
34

35 (c) **Waiver.** The ~~Town Council~~ Administrative Official shall have the authority to waive site
36 plan requirements for modifications to existing structures that are necessary in order to
37 comply with the requirements of the Town's adopted Life Safety Code (National Fire
38 Prevention Association (NFPA) 101).
39

40 ~~(d) **Application.** All site plan applications shall be reviewed and approved in accordance~~
41 ~~with the provisions herein prior to obtaining a building or other development approval.~~

42

<i>Note: Duplicate requirement deleted. See Division 3.1.</i>

43
44
45
46

1
2 (ed) **Exemptions from site plan review.** ~~No site plan review shall be required under this~~
3 ~~division for~~ The following improvements shall be exempt from this Division and shall be
4 reviewed under the provisions of 3.2(b):

- 5
6 1. Individual Single-family and two-family dwellings ~~and duplexes~~, however, for
7 single-family or ~~duplex~~ two-family lakefront properties, any improvements or
8 structures on the waterside of the top of the slope require administrative site plan
9 review.
- 10
11 2. Landscape changes which do not decrease the landscape or pervious area;
- 12
13 3. Decks or walkways which do not exceed 12 inches above existing grade and do
14 not reduce the landscaped or pervious area below the minimum requirements;
- 15
16 4. ~~Utility Storage~~ Storage sheds and accessory structures ~~which do not exceed 100 square~~
17 ~~feet, so long as~~ provided each lot or contiguous area under unity of title does not
18 exceed one shed per property;
- 19
20 5. Fences;
- 21
22 6. Flag poles;
- 23
24 7. Signs, unless the signs are part of a new building or development which
25 requires site plan approval.
- 26
27 8. Alterations or remodeling to existing buildings which affect less than fifty (50)
28 percent of the floor area of the principal building or use, or the cost of said
29 alterations or remodeling is less than fifty (50) percent of the fair market value of
30 the improvement of the site prior to the alterations or improvements.

31
32 The above exemptions shall not apply if the item is a component ~~be included as part of~~
33 ~~any development project otherwise requiring site plan review.~~

34
35
36 (fe) **Application.**

37
38 ~~(1) Town Review~~

39
40 (a) ~~The Town Administrator may, if in its opinion it is necessary, retain consultants to assist~~
41 ~~in the review of an application for site plan review when it meets one (1) or more of the~~
42 ~~following criteria:~~

43
44 ~~1 Encompasses two (2) or more acres of land within the application;~~

1 | 2 ~~Proposes fifty (50) or more dwelling units and/or twenty thousand (20,000) square feet of~~
2 | ~~nonresidential building area;~~

3 |
4 | 3 ~~Requires, by the nature and content of the application, professional expertise in one (1) or~~
5 | ~~more professions not available on the administrative staff of the Town.~~

6 |
7 | (b) ~~The cost of retaining the consultants shall be borne by the applicant.~~

8 |
9 | (2) ~~Submission requirements.~~

10 |

<i>Note: Provision consolidated into Division 3.1.g.</i>
--

11 |
12 |
13 | Applications shall be submitted and processed pursuant to the general procedures in
14 | Division 3.1. In addition, applications for site plan review shall be accompanied by the
15 | following information and processed by the Town only after the applicant has complied
16 | with the following procedural requirements.

17 |
18 | (a)1. The initial application shall include two (2) copies of all site plans and
19 | required supporting documentation together with an application signed by the
20 | owner of record and submitted to the Administrative Official. If it is
21 | determined by the Administrative Official that the site plan application
22 | requires approval by the Town Council, then twelve (12) copies of all site
23 | plans and supporting documentations must be submitted before a public
24 | hearing can be scheduled.

25 |
26 | (b)2. Any portion of a site plan involving architecture, landscape architecture,
27 | engineering or surveying shall be certified by the individual responsible for
28 | the portion of the site plan and shall bear the seal, registration number, name
29 | and address of said individual.

30 |
31 | (c)3. All site plans shall be prepared at a scale not smaller than one (1) inch
32 | equals forty (40) feet and shall be submitted on sheets twenty-four (24) by
33 | thirty-six (36) inches.

34 |
35 | (d)4. All site plans submitted for review and approval shall include the
36 | following information for all existing and proposed improvements:

37 |
38 | 1a. Location map at a scale of not less than one (1) inch equals two
39 | hundred (200) feet.

40 |
41 | 2b. Every site plan shall show the name and address of the owner and/or
42 | developer, the county, state, legal description, north arrow, date and
43 | scale of drawing and number of sheets. In addition, it shall reserve a
44 | blank space on the front page; three (3) inches wide and five (5) inches
45 | high for the use by the Town.
46 |

1 | 3c. A boundary survey, including legal description of the tract, at a scale
2 | of one (1) inch equals forty (40) feet, showing the location and type of
3 | boundary evidence.
4 |

5 | 4d. Deed, title abstract, and verified statement showing each and every
6 | individual person having a legal or equitable ownership interest in the
7 | subject property, except publicly held corporations, in which case the
8 | names and addresses of the principal, corporate officers and directors
9 | shall included.
10 |

11 | 5e. All existing and proposed street right-of-way reservations and
12 | easements, canals and watercourses, their names, numbers and widths;
13 | as well as the owner, existing zoning and present use of all adjoining
14 | properties.
15 |

16 | 6f. The density or intensity of land use to be allocated to all parts of the
17 | site to be developed together, with tabulations by area and percentages
18 | thereof. Such allocations shall include, but not be limited to:
19 |

20 | i. Total site area
21 |

22 | ii. Density (dwelling units per acre) or intensity (units per acre or
23 | ratio of gross floor area to total site area)
24 |

25 | iii. Total floor area by floor
26 |

27 | iv. Percentage of site covered by building(s)
28 |

29 | v. Pervious space and landscaped area(s)
30 |

31 | vi. Vehicular circulation and parking area(s)
32 |

33 | vii. Location, area and use of all other portions of the site; i.e.
34 | setbacks.
35 |

36 | 7g. The location, size and character of any common open space, and the
37 | form of organization proposed to own and maintain any common open
38 | space.
39 |

40 | 8h. The proposed location, general use, number of floors, height and the
41 | net and gross floor area for each building to include outside display
42 | areas, and where applicable, the number, size and type of dwellings.
43 |

44 | 9i. Location, type and size of vehicular entrances to the site.
45 |

1 | 10j. Location, type, size and height of fencing, walls and screen
2 | planting where required under the provisions of this Land
3 | Development Code.

4 |
5 | 11k. Off-street parking, loading spaces and walkways, indicating type
6 | of surface, size, angle and width of stalls and aisles, together with a
7 | schedule showing the number of parking spaces provided and the
8 | number required by the provisions of this Land Development Code;

9 |
10 | 12l. All proposed signs and exterior lighting;

11 |
12 | 13m. The provisions for the disposition of open space and a landscape
13 | and irrigation plan indicating the location, type, size and description of
14 | all proposed landscape materials including the limits or extent of tree
15 | removal or tree protection including compliance with the Town's tree
16 | regulations.

17 |
18 | 14n. All existing and proposed utilities, including, but not limited to:

19 |
20 | i. Water and sanitary sewer or on-site septic tank.

21 |
22 | ii. Telephone, electric, gas and other utilities.

23 |
24 | iii. Solid waste disposal facilities including containers or other
25 | equipment.

26 |
27 | ~~15. Provisions for the adequate disposition of natural and stormwater~~
28 | ~~in accordance with the adopted design criteria and standards of the Town,~~
29 | ~~indicating the location, size, type and grade of ditches, catch basins and~~
30 | ~~pipes and connections to the existing drainage system on site system, as~~
31 | ~~well as compliance with all DERM criteria.~~

32 |
33 | ~~16. Provisions for the adequate control of erosion and sedimentation,~~
34 | ~~indicating the proposed temporary and permanent control practices and~~
35 | ~~measures that will be implemented during all phases of clearing, grading~~
36 | ~~and construction.~~

37 |
38 | ~~17. Existing topography with a maximum contour interval of two (2)~~
39 | ~~feet, except where existing ground is on a slope of less than two (2)~~
40 | ~~percent, in which case either one-foot contours or spot elevations shall be~~
41 | ~~provided where necessary, but not more than one hundred (100) feet apart~~
42 | ~~in both directions.~~

43 |
44 | ~~18. Proposed finished grading by contours supplemented where~~
45 | ~~necessary by spot elevations and in particular at those locations along lot~~
46 | ~~lines.~~

Note: Duplicate requirements, 15-18, deleted. See building code.

1
2 19o. All horizontal dimensions shown on the site plan shall be in feet
3 and decimal fractions of a foot to the nearest one-tenth of a foot (0.1');
4 and all bearings in degrees, minutes and seconds to the nearest second.
5

6 20p. In the case of plans which call for development over a period of
7 years, a schedule showing the proposed times within which
8 applications for building permits are intended to be filed.
9

10 21q. Any additional data, plans or specifications which the applicant
11 believes ~~is~~are pertinent and will assist in clarifying the application.
12

13 22r. All requested variances that would require approval of the Town.
14 Said variances shall be ~~obtained prior to submittal of~~processed
15 concurrently with the site plan application.
16

17 23s. Concurrency Facilities and Other Utilities or Services. Site plans
18 shall satisfy concurrency management requirements of this Land
19 Development Code. The application shall identify demands on
20 concurrency facilities generated by the proposed development and
21 identify how the demands shall be accommodated through
22 improvements. The site plan shall also list the utility providers
23 currently serving the site, together with a description of the existing
24 infrastructure serving the site. Include on the site plan the location,
25 design and character of all concurrency facilities and other utilities,
26 such as underground or overhead electric lines, gas transmission lines,
27 or other similar facilities or services. Concurrency facilities shall
28 include the following:
29

30 i. Potable Water Supply.

31
32 Identify projected average daily potable water demands at the
33 end of each development phase and specify the consumption
34 rates which have been assumed for the projection.
35

36 Provide proof of coordination with the Miami-Dade County
37 Water and Sewer Department. Assess the present and projected
38 capacity of the water supply system and the ability of such
39 system to provide adequate water for the proposed development.
40

41 Describe measures taken to ensure the water pressure and flow
42 will be adequate for fire protection for the type of construction
43 proposed. Provide sizing of distribution lines, rim and invert
44 elevations, direction of flow and top and bottom elevations.
45

1 Denote both planned system improvements required to establish
2 or maintain adopted level of service and proposed funding
3 resources to provide these improvements.
4

5 ii. Wastewater Management.
6

7 Where septic tank and waste disposal drain fields are proposed,
8 provide proof of coordination with Miami-Dade County
9 Department of Environmental Resource Management.
10

11 Where the Miami-Dade County sewage system is to service the
12 site, provide projected average daily flows of wastewater
13 generated by the development at the end of each development
14 phase. Describe proposed treatment system, method and degree
15 of treatment, quality of effluent, and location of effluent and
16 sludge disposal areas. Identify method and responsibilities for
17 operation and maintenance of facilities. Provide sizing of
18 collection lines, rim and invert elevations, direction of flow and
19 top and bottom elevations.
20

21 If public facilities are to be utilized, provide proof of
22 coordination with the Miami-Dade County Water and Sewer
23 Department. Assess the present and projected capacity of the
24 treatment and transmission facilities.
25

26 Denote any planned system improvements required to establish
27 or maintain adopted level of service.
28

29 iii. Water Quality. Discuss disposal areas, septic tank drain field,
30 urban runoff areas, impervious surfaces, and construction related
31 runoff. Describe anticipated volume and characteristics.
32 Indicate measures taken to minimize the adverse impacts of
33 potential pollution sources upon the quality of the receiving
34 waters prior to, during and after construction.
35

36 Identify any wastewater disposal areas, septic tank drain field,
37 urban runoff areas, impervious surfaces, and construction related
38 runoff. Describe anticipated volume and characteristics.
39 Indicate measures taken to minimize the adverse impacts of these
40 potential pollution sources upon the quality of the receiving
41 waters prior to, during and after construction.
42

43 Describe plans for re-vegetation and landscaping of cleared sites
44 including a completion schedule for such work.
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- iv. Stormwater Management. A stormwater management plan for the site shall be provided, including:
 - Design and specification to comply with concurrency management;
 - Retention of runoff or discharge of such runoff into adequately sized natural vegetative filtration areas in manner approximating the natural runoff regime;
 - Permanent drainage systems which make maximum use of natural drainage patterns, vegetative retention and filtration; and
 - Evidence that the proposed drainage improvements shall accommodate stormwater run-off without adversely impacting natural systems or the Town's adopted level of service for drainage.
- v. Solid Waste. Identify projected average daily volumes of solid waste generated by the development at the end of each phase. Indicate proposed methods of treatment and disposal, including identification of any hazardous waste and means of disposal. Provide proof of coordination with Miami-Dade County Department of Solid Waste Management. Assess the present and projected capacity of the solid waste treatment and disposal system and the ability of such facilities to provide adequate service to the proposed development. Provide proposed location and screening of containers or other equipment.
- vi. Roadway. Traffic studies shall be prepared by a licensed Florida traffic engineer. Provide a projection of the expected vehicle trip generation at the completion of each development phase. Describe in terms of external trip generation and average daily as well as peak hour traffic. Evaluate the capacity of the existing roadway network serving the development. Provide recommendations for any required improvements to the existing network required by the proposed development including additional right-of-way, roadway improvements, additional paved lanes, traffic signalization, access and egress controls, and other similar improvements.
- vii. Recreation. Identify projected demand generated by the development and describe land and facility improvements provided to ensure the Town's adopted level of service is not adversely impacted.

viii. Fire Protection. Identify existing and proposed hydrant locations in relationship to building(s) and other fire protection systems. The applicant may be required by the Miami-Dade County Fire Rescue Department to provide fire wells to augment the available water supply.

ix. Public School Facilities. Identify projected demand generated by the development and facility improvements provided to ensure the Town’s adopted level of service is not adversely impacted.

ix. Other Public Facilities. Discuss provisions included in the proposed development to minimize adverse affects upon the following facilities: educational, police, fire protection, health care and disaster preparedness, telephone, electric power, gas, and other utilities. Include map of the service areas of all existing and proposed public facilities (such as sewage, water supplies, fire protection, health care) which serve the site, and a map of the transportation network impacting the site and surrounding area.

xi. Historic and Archaeological Resource Protection. Include a review of the project’s impact on archaeological and historic resources.

(gf) **Site Plan specific ~~submission and review~~ procedures.**

~~(1) An application for a site plan review shall be made to the Town prior to an application for a building or development approval and will only be accepted if the application complies with all other provisions of the Town Code.~~

Note: Duplicate requirement deleted. See Division 3.1.

~~(2)~~ Except as may otherwise be required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to the submission of an application for site plan review. In cases where intergovernmental coordination efforts are incomplete, the Applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

~~(3) Upon receipt of a site plan application, the Town Administrative Official shall have ten (10) working days for residential applications and fourteen (14) days for non-residential applications to determine its appropriateness and completeness and accept or reject the application. As soon as practical after the acceptance of the application, the Administrative Official shall either approve, approve with conditions, or deny the site plan or pursuant to Division 3.4(g)(4) refer the~~

1 application, together with all supporting documentation and staff
2 recommendations, to the Town Council for its review and action.

3 *Note: Duplicate requirement deleted. See Division 3.1.*
4

5 (42) Any site plan application that requires a conditional use, variance, or that has a
6 Potential Area-Wide Impact shall require a public hearing before the Town
7 Council. A site plan application shall be considered to have a Potential Area-
8 Wide Impact if:

9
10 (a) the application encompasses two (2) or more acres of land; or

11
12 (b) proposes fifty (50) or more dwelling units; or

13
14 (c) proposes twenty thousand (20,000) or more square feet of nonresidential
15 building area.

16
17
18 (53) Notwithstanding the provisions of Division 3.4(fg)(42), if the applicant has
19 previously received a vested rights determination or meets concurrency, the site
20 plan application shall be subject to review by the Administrative Official and
21 exempt from a quasi-judicial public hearing requirement in division 3.4(hg). The
22 applicant shall provide a copy of the vested rights determination to the Town's
23 Department of Planning and Zoning with the site plan application. The vested
24 rights determination shall be reviewed by the Town Attorney to ensure that the
25 applicant has a valid vested rights determination.

26
27 ~~(6) Upon receipt of the application, the Town Council shall review said site plan~~
28 ~~application and by written resolution take one (1) of the following actions~~
29 ~~together with its findings in respect to the proposed development as set forth in~~
30 ~~this division.~~

31
32 ~~(a) Approval as submitted.~~

33
34 ~~(b) Approval with conditions; or~~

35
36 ~~(c) Denial.~~

37
38 *Note: Duplicate requirement deleted. See Division 3.1.*
39

40 (hg) **Public Hearing.** When site plan approval is required by the Town Council, the Town
41 Council shall follow the procedures in Division 3.1 and shall, Pprior to taking action on a
42 site plan application pursuant to division 3.4(g) (4), the Town Council shall hold a quasi-
43 judicial public hearing at which time all interested parties shall be heard. Notice of the
44 public hearing shall be given as provided in Division 3.9.

45 *Note: Language amended for consistency between Divisions and to*
46 *delete requirements duplicated elsewhere. See Division 2.4.*

1 | (ih) **Findings Specific Factors For Review Of A Site Plan.**

2
3 | (1) The ~~granting approval or granting approval with modifications and/or~~
4 | conditions or changes of approval by written Development Order resolution
5 | shall include not only conclusions, but also findings of fact related to the
6 | specific proposal and shall set forth the reasons for the ~~grant approval~~, with or
7 | without ~~changes modifications and/or~~ special conditions. The Development
8 | Order resolution shall set forth with particularity in what respects the plan
9 | would or would not be in the public interest including, but not limited to
10 | findings of fact and conclusions on the following:

11
12 | (a.) In what respects the plan is or is not consistent with the
13 | Comprehensive Plan and the purpose and intent of the zoning
14 | district in which it is located.

15
16 | (b.) In what respects the plan is or is not in conformance with all
17 | applicable regulations of the zoning district in which it is located.

18
19 | (c.) In what respects the plan is or is not in conformance with the Town
20 | requirements including the design and construction of streets,
21 | utility facilities and other essential services.

22
23 | (d.) In what respects the plan is or is not consistent with good design
24 | standards in respect to all external relationships including but not
25 | limited to:

26
27 | 1. Relationship to adjoining properties.

28
29 | 2. Internal circulation, both vehicular and pedestrian.

30
31 | 3. Disposition of open space, use of screening or buffering
32 | and preservation of existing natural features including trees.

33
34 | 4. Building arrangements both between buildings in the
35 | proposed development and those adjoining the site.

36
37 | (e.) In what respects the plan is or is not in conformance with the Town
38 | policy in respect to sufficiency of ownership, guarantee for
39 | completion of all required improvements and the guarantee for
40 | continued maintenance.

41
42 | ~~(j) Upon the Town Council granting of approval, either as submitted or with changes and/or~~
43 | ~~special conditions, the Administrative Official shall upon application, issue a building~~
44 | ~~permit for a portion or all of the proposed development after it is found that the~~
45 | ~~application is in compliance with the approved site plan, Florida Building Code, and all~~
46 | ~~other Town, county, state and federal requirements.~~

Note: Duplicate requirement deleted. See Division 3.1.

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(ki) Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this Division and Division 3.2.

~~(l) **Appeals.** Within thirty (30) days of action taken by the Town Council, the applicant may appeal the decision under Division 3.10 of this Land Development Code.~~

Note: Duplicate requirement deleted. See Division 3.1.

(mj) **Transferability.** In the event the property receiving site plan approval shall be sold, transferred, leased, or the ownership thereof changes in any way whatsoever, the site plan approval, unless stated otherwise, shall be transferable.

1
2 **DIVISION 3.5** **VARIANCES**
3
4

5 (a) **Generally.** As used in this Land Development Code, a variance is a relaxation of the
6 terms of the Land Development Code, where such relaxation in term will not be contrary
7 to the public interest and where, owing to conditions peculiar to the property and not the
8 result of the actions of the applicant, a literal enforcement of the ordinance would result
9 in unnecessary and undue hardship.
10

11 (b) **Permitted Variances.** A variance is authorized to be granted by the Town Council only
12 for setback lines; lot width; street frontage; lot depth; lot coverage; landscape or open
13 space requirements; height limitations; yard regulations; fences and walls; signs, off-
14 street parking; the requirements of the flood regulations and other matters specifically
15 permitted as variances pursuant to this Land Development Code. Administrative setback
16 variances shall be permitted pursuant to Division 3.2(e) of the Land Development Code.
17

18 (c) **Prohibited Variances.** The Town Council, or designated Town Board may not grant a
19 variance for an unauthorized use, one that is contrary to the Comprehensive Development
20 Master Plan or Land Development Code, or one that is not permitted in the zoning district
21 as either a permitted or conditional use. Establishment or expansion of a use otherwise
22 prohibited shall not be allowed by variance, nor shall a variance be granted because of the
23 presence of non-conformities in the zoning district or uses in an adjoining zoning district
24 or because of prior variances granted. Similarly, a variance shall not be granted which
25 increases or has the effect of increasing density or intensity of a use beyond that
26 permitted by the Comprehensive Plan or this Land Development Code.
27

28 (d) **Application.** The Applicant shall submit an application for a variance pursuant to the
29 general procedures in Division 3.1. ~~A “complete application” shall include the~~
30 ~~application form, the fee, a current survey, building elevations, a site plan, and a~~
31 ~~landscape plan where required, as well as all supplemental information required by the~~
32 ~~Administrative Official and necessary to render determinations related to the variance~~
33 ~~request. New or amended site plans shall not be accepted after notification has been given~~
34 ~~by mail or by publication for the public hearing on the variance.~~
35

36 *Note: Duplicate requirement deleted. See Division 3.1.*

37
38 (e) ~~**Town Council Action**~~**Quasi-Judicial Public Hearing.** Upon receipt of a complete
39 ~~application for a variance,~~ The Town Council, or Town Board shall follow the
40 procedures in Division 3.1 and shall, prior to taking action on a variance application, hold
41 a quasi-judicial public hearing. Notice of the public hearing shall be given as provided in
42 Division 3.9 upon the application pursuant to the procedures and requirements of the
43 Town Code. Members of the general public shall be permitted to speak at the hearing.
44

45 *Note: Language amended for consistency between Divisions and to delete requirements duplicated elsewhere. See Division 2.4.*

1 (f) ~~Town Council Action and Criteria for Approval.~~ After the hearing, the Town Council
2 or designated Town Board, as applicable, shall adopt a Development Order Resolution
3 ~~granting approving, granting approving with modifications and/or conditions, or denying~~
4 ~~the variance request.~~

5
6 1. ~~Criteria~~ Undue Hardship Criteria. In order to authorize any variance from the
7 ~~terms requirements~~ of this Land Development Code on the basis of undue
8 hardship, the Town Council or designated board or agency, ~~as applicable,~~ shall
9 find all of the following criteria are met, however, the purchase of property which
10 is an illegal nonconformity with this Land Development Code shall not be
11 considered a hardship for granting of a variance, nor shall conditions peculiar to
12 the property owner be considered.

13
14 a. Variance Consistent with Authorized Powers. That the variance is in fact
15 a variance as set forth in the Land Development Code and within the
16 province of the Town Council;:-

17
18 b. Existence of Special Conditions or Circumstances. That special
19 conditions and circumstances exist which are peculiar to the land,
20 structure, or building involved and which are not applicable to other lands,
21 structures, or buildings in the same zoning district;:-

22
23 c. Conditions Not Created by Applicant. That the special conditions and
24 circumstances do not result from the actions of the Applicant;:-

25
26 d. Special Privileges Not Conferred. That granting the variance requested
27 will not confer on the Applicant any special privilege that is denied by
28 this Land Development Code to other similarly situated lands, buildings,
29 or structures in the same zoning district;:-

30
31 e. Hardship Conditions Exist. That literal interpretation of the provisions of
32 this Land Development Code would deprive the Applicant of rights
33 commonly enjoyed by other properties in the same zoning district under
34 the terms of the Land Development Code and would work unnecessary
35 and undue hardship on the applicant. ~~The purchase of property which is an~~
36 ~~illegal nonconformity with this Land Development Code shall not be~~
37 ~~considered a hardship for granting of a variance, nor shall conditions~~
38 ~~peculiar to the property owner be considered.~~

39
40

<i>Note: moved to section 1 above for clarification.</i>
--

41
42 f. Only the Minimum Variance Granted. That the variance granted is the
43 minimum variance that will make possible the reasonable use of the land,
44 building, or structure; and:-

1 g. Not Injurious to Public Welfare or Intent of the Land Development Code.
2 That the grant of the variance will be in harmony with the general intent
3 and purpose of the Comprehensive Plan and this Land Development Code
4 and that such variance will not be injurious to the area involved or
5 otherwise detrimental to the public welfare.
6

7 2. Practical Difficulty. If the application does not meet the Undue Hardship criteria,
8 the application may be considered under the requirements of Practical Difficulty
9 as set forth herein. Any approval or approval with modifications and/or
10 conditions, of a variance based on practical difficulty shall require a
11 supermajority vote of the members of the Town Council or designated Town
12 board present at the meeting. In order to authorize any variance application from
13 the requirements of this Land Development Code on the basis of practical
14 difficulty, the Town Council or designated Town board shall balance the rights of
15 property owners in the Town as a whole against the need of the individual
16 property owner to deviate from the requirements of the Land Development Code
17 based on an evaluation of the factors below. All of the factors should be
18 considered and given their due weight, however, no single factor is dispositive:
19

20 a. Whether the Town has received written support of the specifically
21 identified variance requests from adjoining property owners;
22

23 b. Whether approval of the variance(s) would be compatible with
24 development patterns in the Town;
25

26 c. Whether the essential character of the neighborhood would be
27 preserved;
28

29 d. Whether the variance(s) can be approved without causing substantial
30 detriment to adjoining properties;
31

32 e. Whether the variance(s) would do substantial justice to the property
33 owner as well as to other property owners justifying a relaxation of
34 this Land Development Code to provide substantial relief;
35

36 f. Whether the plight of the applicant is due to unique circumstances of
37 the property and/or applicant which would render conformity with the
38 strict requirements of the Land Development Code unnecessarily
39 burdensome; and
40

41 g. Whether the special conditions and circumstances which exist are the
42 result of actions beyond the control of the applicant.
43

44 ~~Notwithstanding the criteria in paragraph 1 above, should the Town Council by~~
45 ~~extraordinary (5 votes) vote determine that the variance is justified by practical~~
46 ~~difficulty on the part of the applicant, and no objections from adjoining or directly~~

1 | affected property owners have been filed to the application, a variance may be
2 | approved or approved with conditions.
3 |

4 | 3. Conditions and Safeguards May Be Imposed. In granting any variance, the Town
5 | Council or designated Town board, may prescribe appropriate modifications
6 | and/or conditions, including a variance approval expiration date or expiration
7 | event, to mitigate the proposed variance and to ensure safeguards in conformity
8 | with the Comprehensive Plan and this Code or any other duly enacted ordinance.
9 | Upon the expiration of any variance approval pursuant to an expiration date or
10 | expiration event prescribed by the Town Council or designated Town board, the
11 | property shall be required to conform to the requirements of the Land
12 | Development Code in existence at the time of the variance expiration. Violation
13 | of such conditions and safeguards, when made a part of the terms under which the
14 | variance is granted, shall be deemed a violation of the Land Development Code
15 | and shall nullify the variance.
16 |

17 | 4. Time Limit Shall Be Imposed. The Town Council or designated board or
18 | agency, as applicable shall prescribe a reasonable time limit within which the
19 | action for which the variance is required shall begin, and such time shall not
20 | exceed ~~twelve (12) months~~ 365 days from the date of the Development
21 | Order Resolution, after which a new variance application must be made unless an
22 | application for development permit has been filed.
23 |

24 | ~~(g) **Resolution.** Action by the Town Council upon the variance shall be announced by the~~
25 | ~~Mayor or Town Clerk, immediately following the vote determining such action and shall~~
26 | ~~thereafter be embodied in a written Resolution prepared by the Administrative Official~~
27 | ~~and executed by the Town Clerk. The applicant shall record the Resolution in the public~~
28 | ~~records of the Clerk of the Circuit and County Court and shall return the original order to~~
29 | ~~the Town Clerk.~~

30 |

<i>Note: Duplicate requirement deleted. See Division 3.1.</i>

31 |

32 | (h) **Effect and Limitation of Variance.** A Development Order Resolution granting a
33 | variance shall be deemed applicable to the development for which it is granted and not to
34 | the individual applicant, provided that no Development Order Resolution granting a
35 | variance shall be deemed valid with respect to any use of the premises other than the use
36 | specified in the application for a variance. Upon the occurrence of any expiration date or
37 | expiration event prescribed by the Town Council or designated Town board, the variance
38 | approval shall automatically terminate and the property must be brought into
39 | conformance with the requirements of the Land Development Code in existence at the
40 | time of the variance expiration. Any variance not exercised within the time period
41 | established by the Town Council or designated Town Board shall be deemed withdrawn
42 | and invalidated.
43 |

44 | ~~(i) **Re-application.** Re-application for the same or similar piece of property requesting the~~
45 | ~~same or similar variance cannot be made within one (1) year from the date the application~~
46 | ~~was originally denied by the Town Council. Upon the Applicant's submittal of the same,~~

1 | ~~the Administrative Official shall determine if the changed conditions exist. If the~~
2 | ~~Administrative Official determines that a hearing should be held on the Applicant's~~
3 | ~~request, the Town Clerk shall provide due public notice of the scheduled public hearing~~
4 | ~~in the same manner as required for the original variance request. If no hearing is deemed~~
5 | ~~appropriate, the application shall be resubmitted no sooner than one (1) year following~~
6 | ~~the date of the public hearing on the original variance application.~~

Note: Duplicate requirement deleted. See Division 3.1.

1
2 **DIVISION 3.6 AMENDMENT TO THE OFFICIAL ZONING MAP OR THE TEXT**
3 **OF THE LAND DEVELOPMENT CODE**
4
5

6 (a) **Application.** Application for an amendment to the text of this Land Development Code
7 or to the Official Zoning Map shall follow the general procedures of Division 3.1, except
8 that the Town or its representatives shall not be required to submit an application. The
9 application shall contain at least the following information:

- 10
11 1. A statement identifying the text or map area proposed to be amended.
12
13 2. An explanation of the text of the amendment desired.
14
15 3. An explanation of the need and justification for the proposed change.
16
17 4. For an amendment to the Official Zoning Map, the application shall also include
18 the following information:
19
20 a. A legal description and a description by street address of the property
21 whose zoning designation is proposed to be changed.
22
23 b. Current and proposed Comprehensive Plan Future ILand uUse mMap
24 designation for the subject property.
25
26 c. The existing and proposed zoning designation for the subject property.
27
28 d. The existing and proposed use of the subject property, if applicable.
29
30 e. A verified statement showing each and every individual person having a
31 legal or equitable ownership interest in the property upon which the
32 amendment is sought. In the case of publicly held corporations, the names
33 and addresses of the principal corporate officers, directors and any
34 shareholder owning more than ten percent (10%) of the interest in the
35 corporation shall be disclosed.
36

37 (b) **Process and Criteria for Review.** All proposed amendments, regardless of the source,
38 shall be evaluated by the Administrative Official, the Local Planning Agency and the
39 Town Council. In evaluating proposed amendments, the Town Council shall consider the
40 following criteria:

- 41
42 1. Whether the proposal is consistent with the Comprehensive Plan, including the
43 adopted infrastructure minimum levels of service standards and the concurrency
44 management program.
45

2. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances, including the Land Development Code.
3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.
4. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.
5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.
6. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.
7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.
8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.
9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this Land Development Code.
10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

(c) **Final Action by the Town Council.** The applicant shall be advised of the time and place of the Town Council hearings. The notice and hearings on the proposed amendment shall be provided pursuant to this Land Development Code and the Florida Statutes. After the necessary public hearing(s), the Town Council shall take action to deny or approve the application, or approve it with modifications or conditions. If denied, the applicant may resubmit the application after a period of ~~one (1) year~~ 365 days from the denial.

(d) **Official Zoning Map.** Each amendment to zoning district boundaries or other zoning requirements as portrayed on the Official Zoning Map shall be entered promptly on the Official Zoning Map after the amendment has been approved by the Town Council. The

1 Administrative Official shall be responsible for assuring that the physical updating and
2 | amendment of the Official Zoning ~~District~~ Map is carried out in a timely manner.
3

- 4 (e) **Zoning in Progress, Hold on Permits or Certificate of Uses.** When an amendment to
5 this Code or a rezoning of a parcel of land has been approved on first reading by the
6 | Town Council, no development application pending before the ~~city~~ Town with respect to
7 the area or text which is the subject of the proposed amendment shall be approved unless
8 the development application would be in conformity with both the existing legislation
9 | and the proposed legislation, for a period of ~~six months~~ 180 days from the date of the
10 approval on first reading of the proposed legislation by the Town Council. This period
11 | may be extended one time for an additional ~~three months~~ 90 days by resolution of the
12 Town Council.
13

1 | **DIVISION 3.7 AMENDMENT TO THE COMPREHENSIVE MASTER**
2 | **DEVELOPMENT PLAN**

3
4 | (a) **Application.** An application for an amendment to the text of the Comprehensive Plan or
5 | to the Future Land Use Map of the Plan shall follow the general procedures of Division
6 | 3.1, except that the Town or its representatives shall not be required to submit an
7 | application.
8

- 9 1. The application shall contain at least the following information:
10 a. A statement identifying the plan provision proposed to be amended.
11 b. An explanation of the text of the amendment desired.
12 c. An explanation of the need and justification for the proposed change,
13 including the data and analysis that supports the amendment.
14 | d. An explanation of ~~the~~ how the proposed amendment meets the
15 | requirements of Chapter 163.3161, et seq., “The Local Government
16 | Comprehensive Planning and Land Development Regulation Act.”
17
18 2. For an amendment to the Future Land Use Map, the application shall also include
19 | the following information:
20 a. A legal description and a description by street address of the
21 | property whose land use designation is proposed to be changed.
22 | b. Current and proposed Future Land Use Map designations for the subject
23 | property.
24 | c. The existing and proposed zoning designations for the subject property.
25 | d. The existing and proposed uses of the subject property, if applicable.
26 | e. A verified statement showing each and every individual person having a
27 | legal or equitable ownership interest in the property upon which the
28 | amendment is sought. In the case of publicly held corporations, the names
29 | and addresses of the principal corporate officers, directors and any
30 | shareholder owning more than ten percent (10%) of the interest in the
31 | corporation shall be disclosed.
32

33 | (b) **Process and Criteria for Review.** All proposed amendments, regardless of the source,
34 | shall be evaluated by the Administrative Official, the Local Planning Agency and the Town
35 | Council. If the amendment is proposed by the Town, the Administrative Official shall prepare
36 | the necessary information for the amendment to be reviewed pursuant to the requirements of
37 | Chapter 163.3161, et seq., “The Local Government Comprehensive Planning and Land
38 | Development Regulation Act.” In evaluating proposed amendments, the Town Council shall
39 | consider the following criteria:
40

- 41 1. Whether the proposal is internally consistent with the Comprehensive
42 | ~~Development Master Plan~~, including the adopted infrastructure minimum levels
43 | of service standards and the concurrency management program.
44
45 2. Whether, and the extent to which, land use and development conditions have
46 | changed since the effective date of the existing Comprehensive ~~Development~~

1 | ~~Master Plan~~, and whether such changes support or work against the proposed
2 | amendment.

- 3 |
- 4 | 3. Whether, and the extent to which, the proposal would result in any incompatible
5 | land uses, considering the type and location of uses involved, the impact on
6 | adjacent or neighboring properties, consistency with existing development, as
7 | well as compatibility with existing and proposed neighboring property land use.
8 |
- 9 | 4. Whether, and the extent to which, the proposal would adversely affect the
10 | property values in the affected area, or adversely affect the general welfare.
11 |
- 12 | 5. Whether the proposal would result in an orderly and compatible land use pattern.
13 | Any positive and negative effects on such pattern shall be identified.
14 |
- 15 | 6. Whether the proposal would be in conflict with the public interest, and whether it
16 | is in harmony with the purpose and interest of the Comprehensive Development
17 | ~~Master Plan~~.
18 |
- 19 | 7. Whether the proposed amendment meets the requirements of Chapter 163.3161 et
20 | seq., Florida Statutes.
21 |
- 22 | 8. Other matters which the Local Planning Agency or the Town Council, in its
23 | legislative discretion, may deem appropriate.
24 |

25 | (c) **Final Action by the Town Council.** The Applicant shall be advised of the time and
26 | place of the Town Council hearings. The notice and hearings on the proposed
27 | amendment shall be provided pursuant to Florida Statutes. After the necessary public
28 | hearing(s), the Town Council shall take action to deny or approve the application, or
29 | approve it with modifications or conditions for purposes of transmittal to the Florida
30 | Department of Community Affairs pursuant to the Florida Statutes.
31 |

- 32 | 1. If denied, the Applicant may resubmit the application after a period of ~~one (1)~~
33 | ~~year~~365 days from the denial.
34 |
- 35 | 2. If approved for purposes of transmittal, the Town shall thereafter provide the
36 | necessary administrative support for the state review process required under
37 | Chapter 163.3161, et seq., “The Local Government Comprehensive Planning and
38 | Land Development Regulation Act.” The Town Council shall have the legislative
39 | discretion to adopt, adopt with conditions, or not adopt the amendment once the
40 | state review process has been completed.

1 **DIVISION 3.8 PLATTING**

2
3
4 **A. APPLICABILITY**

5
6 1. **Purpose.** The purpose of Division 3.8 “Platting” (platting regulations) is to assist
7 implementation of the Comprehensive Plan by establishing procedures and standards for the
8 development and subdivision of land within the Town of Miami Lakes, in an effort to, among
9 other things:

- 10 (a) Provide proper legal description identification, installation of monuments and
11 recording of real estate boundaries;
- 12 (b) Aid in the coordination of land development in the Town in accordance with
13 orderly physical patterns;
- 14 (c) Discourage haphazard, premature, uneconomic or scattered land development;
- 15 (d) Provide safe and convenient traffic control;
- 16 (e) Encourage development of an economically stable and healthful community;
- 17 (f) Maintain adequate utilities;
- 18 (g) Alleviate impacts of periodic and seasonal flooding by providing protective flood
19 control and drainage facilities;
- 20 (h) Protect environmentally sensitive areas;
- 21 (i) Provide for management or protection of water resources, and provide public
22 open spaces for recreation;
- 23 (j) Require the installation of adequate and necessary physical improvements, and
24 provide that the purchaser of land in a subdivision has access to necessary
25 improvements of lasting quality;
- 26 (k) Avoid impacts and costs resulting from haphazard subdivision of land and the
27 lack of authority to require installation by the applicant of adequate and necessary
28 physical improvements;
- 29 (l) Require development in keeping with the topography and other site conditions;
- 30 (m) Encourage aesthetically acceptable development; and
- 31 (n) Protect privacy.

32
33 2. **Conformance Required.** No subdivision of a tract of land anywhere in the incorporated
34 area of the Town of Miami Lakes shall be created except in conformance with the
35 Comprehensive Development ~~Master Plan~~ and Land Development Code. No subdivision
36 shall be platted or recorded and no lot shall be sold from such plat nor shall any building
37 permit be issued unless the subdivision meets all the applicable laws of the State of
38 Florida and has been approved in accordance with the requirements of these platting
39 regulations.

40
41 3. **Subdivisions and Lot Splits.** All future subdivisions and lot splits within the Town of
42 Miami Lakes shall be subject to these platting regulations, except the following:
43 (a) The public acquisition of land for the use by the Town for public facilities such as
44 widening existing streets, creation of park space, or other public facility that is
45 deemed by the Town to be in the interest of the general public;

- 1 (b) The combination or recombination of portions of previously platted lots where no
2 new parcels or residual parcels smaller than any of the original lots are created;
3 (c) The transference of part of one lot or tract to an adjacent lot or tract provided the
4 transference results in a lot or tract that meets all of the minimum standards of
5 these platting regulations.
6

7 4. **Recording of Plats or Lot Splits.** No final plat of any subdivision, lot split or other
8 change in lot lines or boundaries intended to define land configuration shall be recorded
9 with the Clerk of the Circuit Court of Miami-Dade County until the subdivision, lot split
10 or other change shall have been duly approved by the Town as prescribed herein. Any
11 such plat, lot split, or other record of change in land configuration must clearly display a
12 written certification demonstrating Town approval prior to being recorded.
13

14 5. **Revising Plat after Approval.** No changes, erasures, modifications or revisions shall be
15 made in any plat of subdivision after approval has been given, unless the plat is re-
16 submitted for a review and approval pursuant to these platting regulations.
17

18 6. **Unlawful Sale or Transfer of Property.** It shall be unlawful for anyone who is the
19 owner or agent or the owner of any land in the Town of Miami Lakes to transfer, sell,
20 agree to sell, convey, or negotiate to sell such land by reference to, exhibition of or other
21 use of a plat of a subdivision of such land without having recorded an approved
22 subdivision plat as required herein. If such unlawful use is made of a plat before it is
23 properly approved and recorded, the owner or agent of the owner of such land shall be
24 punished as provided for in the Town of Miami Lakes Code of Ordinances.
25

26 7. **Building Permits Subject to Final Plat Approval and Recording.** No building permit
27 shall be issued until a final plat for such impacted land has been approved and recorded
28 pursuant to these platting regulations.
29

30 8. **Creation of Subdivision by Joint Owners of Land.** Where it may subsequently
31 become evident that a subdivision is being created by the recording of deeds by metes
32 and bounds description of tracts of land, the Town may, at its discretion, require all the
33 owners involved to jointly file a plat of the subdivision being so created or require all
34 owners of record to jointly conform to the applicable provisions of these platting
35 regulations as are requisite for the issuance of building permits or the furnishing of any
36 Town service.
37

38 9. **Effect on Previously Platted Subdivisions.** These platting regulations shall not apply to
39 any land forming a part of a subdivision created and recorded prior to the adoption of this
40 Code, but it shall apply to any re-subdividing of each prior subdivision and any
41 subsequent subdivision.
42

43 10. **Effect on Active Subdivision Development.** Developments which have received
44 preliminary plat approval prior to the adoption of this code and recorded within 12
45 months^{365 days} of the preliminary plat approval shall be exempt from the requirements

1 of these platting regulations. Developments not having received preliminary plat
2 approval shall be subject to these platting regulations.
3

4 11. **Relationship of Deeds, Covenants, and Other Private Restrictions to the Regulations**
5 **for the Subdivision of Land.** It is not intended by the provisions of these platting
6 regulations to repeal, abrogate, annul or in any way, impair or interfere with private
7 restrictions placed upon property by a covenant, or private agreement, except that where
8 these platting regulations impose higher standards than imposed by such deeds,
9 covenants, or private agreements, then the provisions of these platting regulations shall
10 apply. The Town shall not be responsible for enforcement of such deeds, covenants, or
11 agreements.
12

13 12. **Disapproval of Plat.** Upon disapproval of any plat, the Town Council shall indicate
14 those Sections, Subsections, and/or Paragraphs of these platting regulations with which
15 the plan does not comply.
16

17 13. **Vested Rights.** Any property owner claiming a vested right to obtain action upon or
18 approval of a preliminary plat or waiver to these platting regulations may submit an
19 application for a determination of vested rights to the Administrative Official. The
20 application shall be in a form determined by the Town and shall have attached an
21 affidavit setting forth the facts upon which the applicant bases a claim for vested rights.
22 The applicant shall also attach copies of any contracts, letters and other documents upon
23 which a claim of vested rights is based. The mere existence of a specific zoning district
24 or Future Land Use Map designation shall not vest rights. The Town Attorney shall
25 review the application and shall advise the Town Council if the applicant has
26 demonstrated:

- 27 (a) An act of dDevelopment aApproval by the Town;
- 28 (b) Upon which the applicant has in good faith relied to his detriment;
- 29 (c) Such that it would be highly inequitable to deny the landowner the right to obtain
30 action on or approval of a preliminary plat.

31 The Council shall render a determination of vested rights pursuant to duly adopted
32 procedures.
33

34 **B. REQUIRED IMPROVEMENTS AND DESIGN CRITERIA**
35

36 1. **Generally.** The following improvements are required in conjunction with the
37 development of a subdivision within the Town. A Florida registered professional
38 engineer shall be employed to design all required improvements including streets,
39 drainage structures, bridges, bulkheads, and water and sewer facilities. Design data, such
40 as calculations and analysis, shall be submitted along with the development plans
41 covering important features affecting design and important features of construction. Such
42 calculations and analysis shall include, but not be limited to, high ground and surface
43 water elevations, drainage facilities of all kinds, subsurface soil data, utilities, alternate
44 pavement and subgrade types, and radii at intersections when standards of the American
45 Association of State Highway and Transportation Officials (AASHTO) are inadequate.
46 The design of required improvements shall be accomplished in such a manner that they

1 shall be equal to or exceed those outlined in these platting regulations. The required
 2 improvements shall be completed prior to recording the plat in the manner prescribed in
 3 these platting regulations or the applicant shall submit to the Town of Miami Lakes a
 4 guarantee in one of the forms prescribed by these platting regulations to assure the
 5 required improvements.
 6

7 2. **Access.** Ingress, egress, and access management shall comply with the following criteria:
 8

9 (a) General Design of Access. Access shall be provided as follows:
 10

- 11 (1) In order to provide ease and convenience in ingress and egress to private
 12 property and the maximum safety with the least interference to the traffic
 13 flow on public streets classified major collector and above, the number
 14 and location of driveways shall be regulated by the dedication of access
 15 rights to the Town of Miami Lakes.
- 16 (2) Street stubs to adjoining undeveloped areas shall be provided when
 17 required to give access to such areas or to provide for proper traffic
 18 circulation. Street stubs shall be provided with a temporary cul-de-sac
 19 turnaround.
- 20 (3) Tapers, deceleration lanes, left-turn lanes, bypass lanes, median
 21 modifications or other design features may be required to protect the safe
 22 and efficient operation of the access street.
- 23 (4) Every lot or parcel shall be served from a publicly dedicated street;
 24 however, an applicant may retain as private a local street if the following
 25 conditions are met:
 26 | (~~1~~)i. Public right-of-way is not required in order to serve adjacent
 27 | development that is existing or projected;
 28 | (~~2~~)ii. A permanent access easement is granted for service and emergency
 29 | vehicles and for maintenance of public and semi-public utilities and
 30 | (~~3~~)iii. A reciprocal easement for ingress and egress is granted all residents
 31 | lots or parcels inof the development.
- 32 (5) Reserve strips restricting access to streets or alleys shall not be permitted.
 33

34 | (b) Specific Access Design. Minimum dimensions between the edge of intersections
 35 | to the edge of points of access (driveways) to lots developed within a subdivision
 36 | shall be located as follows:
 37 |

38 TABLE 3.8 A
 39

Control Device	Local	Collector	Arterial
Stop Sign	50	75	115
Signalization	50	175	230

40
 41 *Note:* These standards are consistent with FDOT Rule #14-97, State Highway
 42 System Access Management Classification System and Standards, which dictate
 43 the location of access to State facilities.

1
2 The subdivision shall be designed to provide access to the lots by the use of local
3 streets. Unless a physical constraint exists, a secondary means of access shall also
4 be provided to all subdivisions for use by emergency vehicles. Local street
5 connections to collector streets shall be a minimum of six hundred sixty (660) feet
6 apart and collector street connections to arterial streets shall be a minimum of one
7 thousand, three hundred twenty (1320) feet-apart. Where access is desired along
8 collector or arterial streets, it shall be provided by means of a marginal access
9 road. The first point of access to the marginal access (frontage) road from
10 collector and arterial streets shall be a minimum of three hundred thirty (330) feet
11 from intersection right-of-way lines with intermittent points at median opening
12 locations being a minimum of six hundred sixty (660) feet from intersecting right-
13 of way lines, unless otherwise approved by the Administrative Official. Access
14 spacing of lesser lengths may be granted if requested by the applicant and if
15 approved by the Administrative Official.
16

17 (c) Non-Residential Driveways and Internal Circulation.

- 18
19 (1) Vehicular circulation must be completely contained within the property
20 and vehicles located within one portion of the development must have
21 access to all other portions without using the adjacent street system.
22 (2) Acceptable plans must illustrate that proper consideration has been given
23 to the surrounding street plan, traffic volumes, proposed street
24 improvements, vehicular street capacities, pedestrian movements, and
25 safety.
26

27 (d) No driveway shall be constructed in the radius return of an intersection.
28

29 (e) Service Drives. Where a subdivision borders on or contains a limited access
30 highway right-of-way, or arterial street, the Town Council may require a service
31 drive or require the provision of future service drives approximately parallel to
32 and on each side of such right-of-way, at a distance suitable for the appropriate
33 use of the intervening land, as for park purposes in residential districts or for
34 commercial purposes in appropriate districts. Distances involving right-of-way
35 shall also be determined with due regard for the requirements of approach grades
36 and future grade separations.
37

38 3. **Alleys.** Alleys shall be required along rear lot lines of commercial subdivisions and shall
39 be a minimum of twenty (20) feet in width. Alleys shall not be permitted in residential
40 districts. No dead-end alley shall be permitted. Alley intersections and sharp changes in
41 alignment shall be avoided. Fire lanes shall have a minimum paved width of twenty (20)
42 feet.
43

44 | 4. **Blocks.** The length, width and shape of blocks shall be determined with due regard to:
45

- 1 (a) Provision of adequate building sites suitable to the special needs of the type of use
2 contemplated;
3
- 4 (b) Zoning requirements as to lot size and dimensions;
5
- 6 (c) Need for convenient access, circulation, control and safety of vehicular and
7 pedestrian traffic;
8
- 9 (d) Most advantageous use of topography and preservation of mature trees and other
10 material features wherever possible.
11
- 12 (1) Block lengths shall not exceed fifteen hundred (1500) feet in length between
13 intersecting streets no shorter than four hundred (400) feet.
14 (2) Where blocks are nine hundred (900) feet in length or greater, a pedestrian
15 crosswalk at least ten (10) feet wide may be required to provide circulation
16 or access to school, playground, shopping center, transportation, and other
17 community facilities. In platting residential lots containing less than twelve
18 thousand (12,000) square feet, the depth of the block should not exceed two
19 hundred fifty (250) feet.
20
- 21 5. **Culverts.** Culverts shall be of such size to provide adequate drainage opening and
22 sufficient length to extend eight (8) feet on each side beyond the edge of the pavement of
23 the street. Culverts shall be a minimum of fifteen (15) inches in diameter.
24
- 25 6. **Buffers, Including Berms, Fences and Landscaping.** Screening such as fences, berms
26 and other landscaping shall be required as follows:
27
- 28 (a) Visual screening between adjacent incompatible or potentially incompatible land
29 uses or land use districts including, but not limited to, single-family residential
30 development adjacent to multiple family or non-residential structures.
31 (b) Open space distances between adjacent incompatible or potentially incompatible
32 land uses or land use districts, especially when building heights vary or noises are
33 identified as potential problems.
34 (c) Movement barriers to prevent direct driveway cuts onto collector or arterial
35 streets.
36 (d) Screening consistent with provisions of this Land Development Code shall be
37 required on lot lines which border collector or arterial streets. The plat and
38 planned improvements shall comply with such standards. Masonry walls or
39 suitable alternatives shall be provided when noise from adjacent streets is, or is
40 judged to be, a potential future problem. Suitable screening may be required
41 between lots, especially commercial, industrial, or offices, and adjacent
42 incompatible or potentially incompatible land uses. A long collector or arterial
43 roads may be used instead of a masonry fence, if noise from the road will not
44 adversely affect the proposed use. Buffer zones may be required between
45 adjacent incompatible or potentially incompatible land uses, especially where
46 problems with building heights, noise, or scenic impairment might be a problem.

1 (e) Where a buffer screen of decorative masonry, plant materials, fences or berms is
2 required or where desired by the applicant and approved by the Town of Miami
3 Lakes, such walls or fences shall be setback at least 2.5' from the right-of-way
4 and vegetative materials shall be set back at least one (1) foot from the right-of-
5 way. Pilasters or fence terminal anchor posts shall be installed at the comers of
6 each lot in such manner that each property owner might maintain his own section,
7 or provisions shall be made to have them maintained by a community association
8 or other appropriate private entity.
9

10 7. **Central Water System.** A complete water distribution system connected to the central
11 water system shall be provided for all new subdivisions. The design of the entire system
12 shall be engineered and coordinated with the Miami-Dade County Water and Sewer
13 Department to comply with the Department's adopted design standards as well as
14 applicable policies and standards of the Florida Department of Environmental Protection.
15 The central water system shall include fire flow and other system improvements required
16 to achieve compliance with the adopted fire protection codes and applicable standards
17 prescribed and published by the National Fire Protection Association, as exists or may
18 hereinafter be amended. Concurrency management criteria of the Land Development
19 Code must be met. The following are general requirements for central water systems:
20

21 (a) Water Supply. The central water system shall connect to the Miami-Dade County
22 Water and Sewer Department water system.
23

24 (b) Distribution System. The distribution system shall provide connections to each
25 individual lot, to each public facility, to all required fire hydrants and fire
26 protection systems and to median strips for irrigation where landscaped unless the
27 median strips are irrigated by a separate system. Water mains shall be required in
28 each street right-of-way and shall be looped except in cul-de-sacs less than three
29 hundred (300) feet long and at cross streets not requiring service connections.
30 Plans for the central water system, including fire protection facilities and
31 appurtenances, shall be submitted to the Miami-Dade County Water and Sewer
32 Department as well as the Administrative Official and Fire Marshall, for review
33 and approval. New water systems shall be designed and constructed for an
34 economic life of not less than twenty (20) years.
35

36 8. **Central Collection Wastewater Disposal Systems.** New subdivisions shall be required
37 to connect to a central wastewater system. Design and construction specifications shall
38 comply with Miami-Dade County Water and Sewer Department policies and shall meet
39 adopted level of service standards of the Comprehensive ~~Development Master Plan~~,
40 including the concurrency management regulations established in the Land Development
41 Code.
42

43 (a) General Requirements. The central wastewater system shall be designed by a
44 professional engineer, registered in the State of Florida, conforming to acceptable
45 standards of sound practices for wastewater collection systems, and must be
46 engineered and coordinated with the Comprehensive ~~Development Master Plan~~.

1 | The appurtenances to the system shall be equal to or shall exceed the minimum
2 | requirements of the Town and applicable Florida Statutes. New sewer systems
3 | shall be designed and constructed for an economic life of not less than twenty (20)
4 | years.

5 |
6 | (b) Submittal Requirements. Upon submittal of construction plans for a central
7 | system as prescribed by these platting regulations, the design engineer shall
8 | supply data, calculations and analysis showing important features affecting
9 | design, including, but not limited to:

- 10 |
11 | (1) Number of units, bedrooms, and other domestic wastewater
12 | generators.
13 | (2) The type of units and expected population or estimated flow of wastewater
14 | from any unit designed for use.
15 | (3) The number of proposed equivalent residential connections (ERC) to the
16 | system and the anticipated flow of sewage to the wastewater treatment
17 | plant computed in accordance with current criteria.
18 | (4) Any other meaningful information necessary to arrive at estimates of
19 | amounts and character of wastewater pertinent to the design.
20 |

21 | 9. **Individual Wastewater Disposal System.** Individual wastewater systems shall not be
22 | allowed where connection to the central wastewater system is feasible, as determined by
23 | the Town.

24 |
25 | 10. **Curbs.** Curbs or combined curbs and gutters may be constructed along all streets, if
26 | required by the Administrative Official.

27 |
28 | 11. **Easements.** Utility easements including water, sewer, electric, telephone, gas and
29 | drainage shall be provided as follows:

30 |
31 | (a) Applicants are encouraged to install utilities in the public right-of-way.
32 | Easements for utilities along rear lot lines and, where deemed necessary, along
33 | side lot lines, of a minimum width of eight (8) feet shall be provided as required
34 | for proposed utility installation, maintenance, or as may be required. Easements
35 | of greater width may be required along or across lots, where necessary, for the
36 | extension of main sewer or other utilities or where multiple utilities and water and
37 | sewer lines are located within the same easement. Side lot easements may be
38 | decreased to ten (10) feet when serving a single electric or telephone utility.

39 | (b) A drainage easement shall be provided when necessary. This easement shall be of
40 | sufficient width as determined by the Town to provide adequately for
41 | watercourses, drainage ways, channels, pipes, culverts, or streams, and access to
42 | permit maintenance of the drainage easement. The drainage easement or right-of-
43 | way shall conform substantially to the alignment of such watercourse and the
44 | design of the drainage easement and improvements shall be consistent with best
45 | management practices and principles.

1 (c) Swales shall be permitted within subdivisions; storm sewers shall be covered and
2 open ditches permitted across undeveloped land only as an outlet into an
3 established watercourse. This provision is subject, however, to the following:

- 4 (1) The current requirements of the State Department of
5 Environmental Protection Regulations and South Florida Water
6 Management District (SFWMD).
- 7 (2) Submission of acceptable hydraulic calculations.
- 8 (3) Approval of the Administrative Official.
- 9 (4) Approval of the State Department of Environmental
10 Protection and SFWMD.

11
12 12. **Environmental Considerations.** All environmental performance standards of the Land
13 Development Code shall be satisfied, including but not limited to: preservation of natural
14 resources; preservation of wetlands; species of special concern; soil erosion,
15 sedimentation control; and shoreline protection; freshwater lens protection; preservation
16 of wildlife habitats and protection of upland vegetative communities and endangered or
17 threatened flora and fauna; land use and soil compatibility, and floodplain protection.

18
19 (a) Fill. The subdivision shall be graded and, where necessary, filled to comply with
20 applicable the surface water management requirements and all other applicable
21 Miami-Dade County regulations prescribed in Article 6 of the Land Development
22 Code. The fill shall be free of muck, peat clay, unstable soils, organic matter such
23 as logs, stumps, trees, clippings and cuttings and any form of junk, rubbish, trash,
24 liquid or solid wastes, any form of debris that is subject to consolidation,
25 disintegration, erosion or encourages the presence of insects, termites, or vermin.
26 The type of fill within the rights-of-way shall be satisfactory to and meet with the
27 approval of the Administrative Official, who shall require soil tests of the backfill
28 and the underlying material at the cost of the applicant and who shall require the
29 development's project engineer to certify the type of material and method of
30 placement.

31
32 (b) Soils. The plan shall show the location and results of test borings of the
33 subsurface condition of the tract to be developed. The tests shall be the type
34 performed by the Soil Conservation Service including percolation characteristics
35 and detailed soils data. When non-pervious soils (hard pan or other impervious
36 soils) or unstable (peat muck, etc.) are encountered, the plan shall reflect a
37 satisfactory design to cope with such conditions. If the soil analysis reflects that
38 the area contains impervious soils or contains peat, muck or other unstable
39 materials, the Administrative Official shall require such additional design and
40 construction as are necessary to assure proper drainage and development of the
41 area. The Administrative Official may also require environmental audits. The
42 number of tests and their location shall be mutually determined by the applicant's
43 engineer and the Administrative Official and shall be recorded as to location and
44 result on the construction plans. Land which is subject to periodic flooding or
45 which has unsuitable soil conditions shall not be subdivided until all water and

1 soil hazards have been reasonably eliminated in relation to the purpose for which
2 the land is to be used.

3
4 (c) Erosion Control. Seeding, mulching, sodding, and/or other acceptable methods
5 shall be performed as required to prevent undue erosion during all construction
6 activities. Erosion, sedimentation control and shoreline protection measures
7 required by the Land Development Code shall be planned out as applicable. The
8 applicant shall be required to keep accumulations of sand and earth out of the
9 curb, gutter, swales, and drainage ditches. Temporary siltation basins may be
10 required during construction. The applicant shall provide maintenance for the
11 two-year period of the road guarantee and for each lot until final inspection is
12 passed.

13
14 (d) Land Clearing and Excavation. Land clearing, excavation, and fill permits shall
15 be obtained from the Administrative Official ~~or other designated staff~~ prior to
16 commencement of clearing, grading or filling work. Similarly, all requisite
17 permits from the County, State, SFWMD, or the federal government shall be
18 obtained and presented to the Town prior to commencement of any clearing,
19 filling or excavation. Applicants shall be required to clear all rights-of-way and to
20 plan and construct all grades, for streets, alleys, lots and other areas, in a manner
21 which is consistent and compatible with all performance criteria of the Land
22 Development Code. In the interest of preserving existing trees and other natural
23 beauty, the Council ~~or designated staff~~ may vary the requirements of these
24 platting regulations where aesthetic and environmental conditions will be
25 enhanced but will not adversely affect property drainage of the area. The
26 Administrative Official shall have the authority to require, if necessary, that any
27 land being cleared or excavated be treated by the developer to insure that pest and
28 vermin do not infest adjoining properties.

29
30 (e) Shoreline Protection. Improvements installed along the shoreline shall require a
31 permit issued by the Administrative Official. Bulkheads shall not be constructed
32 below the ordinary high water line unless permitted by the controlling federal or
33 state Agency. Any such plans and improvements shall require site plan approval
34 and all environmental performance criteria in the Land Development Code
35 including, but not limited to, preservation of wetlands; and other environmentally
36 sensitive areas; soil erosion, sedimentation control, and shoreline protection
37 preservation of wildlife habitats and other related performance criteria. No
38 ~~d~~Development ~~e~~Order shall be approved until appropriate federal and state
39 permits are issued.

40
41 13. **Fire Protection Facilities.** The fire protection facilities described below shall be
42 provided in all subdivisions. In the event that Miami-Dade County standards are more
43 stringent, Miami-Dade County standards shall be used:

44
45 (a) Fire Hydrant Location. Fire hydrants in single-family residential district
46 shall be located so that they are spaced no more than three hundred (300)

1 feet apart and no more than one hundred fifty (150) feet to the center of
2 any lot in the subdivision. In all other districts, fire hydrants shall be
3 located so that they are spaced no more than three hundred (300) feet apart
4 and no more than one hundred fifty (150) feet to the center of any lot in
5 the subdivision. Fire hydrants shall be connected to or supplied by water
6 distribution mains not less than eight (8) inches in diameter, unless a
7 larger main is required by the fire department.

8 (b) Fire Hydrant Cut-Off Valve. A cut-off valve with the top of its valve box
9 located at finished grade to house the valve stem shall be installed between
10 each fire hydrant and the distribution main supplying it with water. At all
11 times the cut-off valve shall remain in the “ON” position except when it is
12 used to cut off the water flow to the fire hydrant for repair or replacement
13 of the hydrant and its branch piping.

14 (c) Fire Hydrant Installation. Fire hydrants shall be installed so that the
15 elevation of the bottom of hose connection outlets shall be not less than
16 twelve (12) inches above finished grade at each hydrant. Finished grade
17 shall be level for a radius of not less than five (5) feet around each hydrant.
18

19 (d) Water Distribution Mains Installation. Water distribution mains shall be
20 installed in all streets, except cross-streets not requiring service
21 connections and cul-de-sacs less than 300 hundred (300) feet long. Water
22 distribution mains shall be looped or interconnected with valves to enable
23 localizing any portion of the distribution system except for short branches
24 supplying not more than five (5) lots.

25 (e) Storage Capacity/Emergency Pumping. Sufficient storage or emergency
26 pumping facilities shall be provided to an extent that the minimum fire
27 flows will be maintained for at least four hours at 20 PSI.
28

29 14. **Commercial Subdivisions.** Commercial subdivisions shall comply with all of the
30 requirements of these platting regulations, except that all local streets shall be designed
31 according to the collector street typical section contained in these regulations.
32

33 15. **Lots.** All lots shall comply with the minimum area, frontage, width and depth complying
34 with the applicable zoning district regulations. Lots shall be graded to at least four (4)
35 feet above mean sea level. The minimum width of a lot fronting on the inside of
36 curvature of a street or cul-de-sac shall be measured from side boundary to side boundary
37 along the chord of the front setback line. When a subdivision is proposed upon land with
38 existing structures that are to be retained, lots are to be designed so as not to cause said
39 structures to become non-conforming with respect to building area or lot size. Access
40 from individual lots generally should not be permitted directly to collector or arterial
41 streets. Flag lots shall be expressly prohibited. The entire parent tract being subdivided
42 shall be placed in lots, streets, and other usable tracts so that remnants and other
43 landlocked areas shall not be created. No lot shall be divided by a municipal boundary.
44

45 (a) Double Frontage Lots. Double frontage lots or through lots shall be avoided,
46 except where essential to provide separation of residential development from

1 traffic arteries or to overcome specific disadvantages of topography or orientation.
2 A decorative masonry wall or, in the sole discretion of the Town Council, a
3 combination of fence and landscaping shall be provided and shall include a
4 satisfactory buffer along the rear property line, across which there shall be no
5 right of vehicular access. This portion of the lot line shall be shown as a limited
6 access line on the final plat.

- 7 (b) Corner Lots. Corner lots shall have a width equal to the width required by this
8 Land Development Code for internal lots, plus the difference between the
9 required front yard width and required side yard width.
- 10 (c) Side Lot lines. Side lot lines shall be at substantially right angles or radial to
11 street lines.

12
13 16. **Walls and Screening.** In order to prevent graffiti vandalism, the following options shall
14 be utilized for walls abutting zoned or dedicated right-of-ways:

- 15 (a) Walls and Landscaping. The wall shall be setback two and one-half (2 1/2) feet
16 from the right-of-way line and the resulting setback area shall contain a
17 continuous extensively irrigated landscaped buffer, which must be maintained in a
18 good working and healthy condition by the property owner, or where applicable,
19 by the homeowners, condominium or other maintenance association. Perimeter
20 walls surrounding subdivisions shall be painted one continuous color to be
21 determined by the homeowners association or the Town. The landscape buffer
22 shall contain one or more of the following vegetative materials:
 - 23 (1) Shrubs. Shrubs shall be a minimum of three (3) feet in height when
24 measured immediately after planting and shall be planted and maintained
25 to form a continuous, unbroken solid, visual screen within one (1) year
26 after time of planting.
 - 27 (2) Hedges. Hedges shall be a minimum of three (3) feet in height when
28 measured immediately after planting and shall be planted and maintained
29 to form a continuous, unbroken, solid, visual screen within one (1) year
30 after time of planting.
 - 31 (3) Vines. Climbing vines shall be a minimum of thirty-six (36) inches in
32 height immediately after planting.
- 33 (b) Walls with Anti-graffiti Paint. All concrete block stucco walls abutting right of
34 ways shall be treated with anti-graffiti paint.

35
36 17. **Median Strips and Entranceways.**

- 37 (a) Median Strips. Median strips, which are part of a dedicated or deeded right-of-
38 way, may not be utilized for any purpose other than by the Town of Miami Lakes
39 or a public utility. Where an applicant desires or is required to beautify a median
40 strip in a subdivision he may do so by placing an irrigation system, grass, shrubs,
41 and/or approved species of trees as outlined by the Town within the median strip
42 in accordance with the landscape ordinance and the Town of Miami Lakes Code
43 of Ordinances.
- 44 (b) Subdivision Entranceways. Subdivision entranceways consisting of wall fences,
45 gates, rock piles or the like are not permitted within the median strip or other
46

1 areas in a dedicated or deeded right-of-way. Entranceways, if divided, shall be
2 divided by a raised or landscaped median strip and shall be not less than two (2)
3 lanes each twelve (12) or more feet wide. Decorative entranceways shall be
4 constructed upon plots of land adjacent to the right-of-way in compliance with the
5 land development regulations and building codes and placed so as not to
6 constitute a traffic hazard. A guardhouse located so as not to create a traffic
7 hazard may be constructed at the entrance to a development having private streets.
8

9 Where an applicant is specifically permitted by the Town to construct decorative
10 entrances, structures, or landscaping within the right-of-way of any street the
11 applicant or community homeowner association shall provide an adequate bond to
12 guarantee maintenance for a specified period and to provide for removal for such
13 structures and for landscaping at the end of such period on order by the Town for
14 cause. The Town of Miami Lakes shall not accept any liability or responsibility
15 for maintenance for decorative entrances, structures, or landscaping in rights-of-
16 way. Such improvements shall be designed in such a manner so as to not obstruct
17 desirable visibility or restrict turning movements.
18

19 18. **Off-Street Parking Areas.** Off-street parking areas shall be provided in accordance with
20 the Off-Street Parking division of this code, including provisions for ingress, egress,
21 vehicular and pedestrian movement, and orderly temporary storage of motor vehicles.
22 Parking areas including spaces, driveways, and access aisles shall be constructed in
23 accordance with the following standards:
24

- 25 (a) Parking areas for all residential lots and for commercial lots having an
26 area of 15,000 square feet or less shall have a wearing surface of one (1)
27 inch of Type SI or Type R asphalt or concrete laid over a base not less
28 than six (6) inches thick, free of muck and organic materials, and
29 stabilized to a minimum 50 psi.
- 30 (b) Non-residential parking areas for lots with areas greater than 5,000 square
31 feet shall be paved in the same manner as a local street.
- 32 (c) Drainage shall comply with the adopted level of service standard in the
33 Concurrency Management division of this code.
34

35 19. **Permanent Survey Monuments.**
36

- 37 (a) Permanent monuments of stone or concrete shall be placed at all block
38 corners or at tangent points of curves connecting intersection street lines;
39 at the point of curvature and tangency; at all corners in the exterior
40 boundary of the subdivision except at such corners which are inaccessible
41 due to topography; and at such other points as may be designated by the
42 Town Council. Such monuments shall be set flush with the surface of the
43 ground or finished grade.

1 (b) Monuments shall be of pre-cast concrete two (2) feet in length and three
2 (3) inches square, or four (4) inches in diameter, having a metal dowel
3 imbedded therein.
4

5 20. **Sidewalks and Bicycle Paths.** Concrete sidewalks of a minimum width of five (5) feet
6 may be constructed along both sides of all streets, if required by the Administrative
7 Official. Sidewalks shall be constructed with other required improvements and shall
8 meet local sidewalk construction requirements.
9

10 The construction of bicycle/pedestrian paths may be used to waive required sidewalks by
11 the Town Council as a form of pedestrian circulation. Such paths shall be a dual system
12 consisting of sidewalks within the road right-of-way and bicycle/pedestrian paths outside
13 of the road right-of-way with a minimum width of eight (8) feet. Bicycle/pedestrian
14 paths shall be constructed according the FDOT Bicycle Facilities Planning and Design
15 Manual. Bicycle/pedestrian paths shall be constructed concurrently with other required
16 improvements. The control and maintenance obligation of bicycle/pedestrian paths not
17 located within the road right-of-way shall be placed in a property owner's association,
18 condominium association or cooperative apartment association, as defined by the state
19 law, or an improvement district.
20

21 21. **Storm Water Management.** All subdivisions shall have an adequate comprehensive
22 storm water management system compliant with the requirements of all applicable
23 Miami-Dade County regulations. Article 6 of the Land Development Code. Necessary
24 ditches, canals, swales, percolation areas, berms, dikes, piers, detention ponds, storm
25 sewers, drain inlets, manholes, headwalls, end walls, culverts, bridges and other
26 appurtenances shall be required in all subdivisions for the positive drainage of
27 stormwater. In addition, storm water treatment facilities shall be required in the
28 subdivision to control storm water runoff quality by providing for on-site percolation
29 and/or retention or other appropriate treatment technique for storm water.
30

31 The applicant's engineer shall submit design data of the drainage system shall be
32 submitted along with the construction plans in a report form indicating the method of
33 control of storm and ground water
34

35 22. **Streets.** All streets and related facilities required to serve the proposed subdivision shall
36 be constructed and paved by the applicant pursuant to specifications herein. The
37 construction shall consist of, but not be limited to, street grading, sub-grading
38 stabilization, base preparation and surface course along with drainage as required under
39 this Article. All roadway improvements shall comply with concurrency management
40 provisions of this code.
41

42 (a) Street Layout. The proposed subdivision street layout shall be coordinated with
43 the adopted Comprehensive Plan or as may hereinafter be amended, and with the
44 street system of the surrounding area. Consideration shall be given to existing
45 and planned streets, relation to topographical conditions, to public convenience,

safety and their appropriate relation to the proposed use of the land to be served by such streets.

- (b) Costs of Paving Streets. The Town Council shall pay no part of the cost of paving in any undeveloped subdivision. Where access streets to a subdivision are not adequately paved to handle the anticipated traffic, the developer shall arrange for paving the access streets with the Town of Miami Lakes prior to acceptance of the final plat by the developer. All paving installed in and adjacent to these subdivisions shall be at the entire cost of the applicant and shall be pursuant to the sections of these platting regulations.
- (c) Streets Adjoining Unsubdivided Land. When a new subdivision adjoins unsubdivided land, new streets which in the opinion of the Council are required to serve the abutting unsubdivided land, shall be appropriately designed to carry projected traffic and shall extended to the boundary of the tract proposed to be subdivided.
- (d) Local Streets. All local streets shall be designed in a manner that will discourage through traffic.
- (e) Impact of Future Traffic Circulation Map Series. The new subdivision shall provide for the incorporation and compatible development of present and future streets as generally delineated on the Future Traffic Circulation Map Series adopted by the Comprehensive Plan, when such present or future streets are affected by the proposed subdivision. Notwithstanding, where the Town Council determines that there is a need for incorporating a new or realigned street based on characteristics of specific development proposals as well as changed conditions since the adoption of the Comprehensive Plan, the Town shall require subdivision applicants to conform to the newly prescribed road improvement.
- (f) Traffic Analysis. A subdivision preliminary plat shall include preparation of a traffic impact analysis pursuant to Division ~~10XXX~~ of the Land Development Code, if the proposed subdivision is projected to generate a traffic flow above the threshold therein defined. The Traffic Impact Analysis shall be prepared by a professional engineer and shall be used to determine the number of lanes, capacity of street systems proposed or affected by the development and the phasing of improvements.
- (g) Street Right-of-Way Characteristics. Street improvements shall be designed in a manner compatible with design characteristics of the Town Future Traffic Circulation System and the Town Minimum Right-of-Way Standards as cited below:

TABLE 3.8 B

STREET CLASSIFICATION	MINIMUM RIGHT-OF-WAY WIDTH (FEET)
Arterial Roadways	80 – 90
Collector Streets	60 – 80
Local Streets	50 - 60 (if curb and gutter)
Marginal	45

1 The Town of Miami Lakes shall preserve existing rights-of-way and shall enforce
2 standards requiring dedication of roadways for which the need is generated by
3 new development. These design parameters may be adjusted based on projected
4 traffic carrying capacities of specific developments and application of accepted
5 principles and practices of traffic engineering and design of facilities. The
6 Administrative Official prior to acceptance by the Town Council shall
7 recommend the specific design features as a condition of approval.

8 (h) No Outlet Streets (cul-de-sacs). Cul-de-sac or no outlet streets shall provide a
9 terminal turnaround having a minimum diameter of eighty-four (84) feet, and a
10 minimum street property line of at least one hundred (100) feet. Cul-de-sacs shall
11 not exceed six hundred (600) feet in length.

12 (i) Temporary Cul-De-Sac Turnaround Streets. Streets that terminate temporarily,
13 and thereby take on the character of a dead-end street, shall be provided with a
14 temporary terminal turnaround having a radius of not less than forty (40) feet.
15 When one (1) or more temporary turnarounds are shown, the following note
16 should be included on the plat “The area on this plat designated as “temporary
17 turnaround” will be constructed and used only until the street(s) is/are extended,
18 at which time the land in the temporary turnaround area will be abandoned for
19 street purposes and will revert to adjoining lot owners in accordance with specific
20 provisions in their respective deeds.”

21 (j) Street Grades. All streets shall be graded to the appropriate grade to their full
22 width, with side slopes and fills where required. The grade of all streets at the
23 crown shall be at least four (4) feet above mean sea level.

24 (k) Intersection of Streets. Street jogs at intersections with centerline offsets of less
25 than one hundred and twenty-five (125) feet are prohibited.

26 (l) Marginal Access Streets. Where a subdivision abuts or contains an existing
27 limited access highway, freeway or arterial, a marginal access street shall be
28 required to afford separation of through and local traffic.

29 (m) Subdivision Access Points. Wherever possible, all subdivision access roads shall
30 be located at existing median opening. If a subdivision access road is not located
31 at an existing median opening, the applicant’s paving plan shall provide for
32 construction of a median opening, where permitted, or shall provide for the
33 modification of existing openings, where required, at no cost to the Town. The
34 design of subdivision access roads shall comply with the requirements of the
35 jurisdiction of the highway in which the median is located. The design of access
36 streets shall, where required, provide for acceleration, deceleration, storage,
37 channelization, and drainage modifications as are necessary to comply with the
38 required standards of that jurisdiction. If a signal is identified as warranted as part
39 of a new development, the signal shall be constructed by the developer at no cost
40 to the Town.

41 (n) Local Streets. Local streets shall be so laid out that use by through traffic shall be
42 discouraged.

43 (o) Half Streets. Half or partial streets shall not be permitted. Whenever a tract to be
44 subdivided borders on an existing half or partial street, the other part of the street
45 shall be required to be dedicated and constructed within such tract. A proposed
46 subdivision that adjoins or includes an existing street which does not conform to

1 the minimum right-of-way requirements of these regulations shall provide for the
2 dedication of additional right-of-way along either one or both sides of said street
3 so that the minimum right-of-way requirements of these regulations are fulfilled.

4 (p) Street Names. Extensions of existing named streets shall bear the same numerical
5 name of the existing street. A non-numerical name may be selected by the
6 developer and included on the plat. In no case shall the name of a proposed new
7 street which is not part of an existing facility duplicate or be phonetically similar
8 to existing street names.

9 (q) Alignment, Intersections, and Radii.

10
11 (1) Alignment. The arrangement of streets in a new subdivision shall make
12 provisions for the continuation of the existing or platted streets into
13 adjoining areas or their proper projection where adjoining land is not
14 subdivided, insofar as they may be deemed necessary by the Town
15 Council.

16
17 The street and alley arrangement shall be such as not to cause a hardship
18 to owners of adjoining property when they plat their own land and seek to
19 provide for convenient access to it.

20
21 (2) Intersections. Streets shall be laid out to intersect as nearly as possible at
22 right angles. No street right-of-way shall intersect another at an angle of
23 less than eighty (80) degrees unless special provision is made in the design
24 of the intersection.

25
26 Multiple intersections involving the junction of more than two streets shall
27 be prohibited unless special provision is made in the design of the
28 intersection.

29 All intersections shall be designed to provide adequate stopping and sight
30 distance in accordance with the current edition of AASHTO Standards.
31 Intersections with major streets should be located no less than eight
32 hundred (800) feet apart.

33
34 (3) Radii. The point of curvature of any local street shall not be closer than
35 one hundred (100) feet to the point of intersection. When the centerline of
36 a local street deflects by more than ten (10) degrees, it shall be curved
37 with a radius adequate to assure safe sight distance and driver comfort, but
38 never less than a minimum centerline radius of one hundred (100) feet.
39 Property lines at street intersections shall have twenty-five (25) feet or
40 greater radius and street pavement radii shall be a minimum of thirty (30)
41 feet.

42
43 (r) Private Streets. If private streets are proposed, they shall comply with all
44 applicable standards of public streets and the developer shall provide sufficient
45 assurances acceptable to the Town Council that the streets and right of ways will

1 be adequately maintained, including identification of the legal entity with
2 responsibility for maintenance.

- 3
- 4 (s) Standards for Roadway Section. A properly prepared subgrade and an approved
5 road base and wearing surface shall be provided for all streets. Subgrade shall be
6 adequately compacted and bonded prior to treatment and shall be stabilized from
7 curb to curb. After subgrading, there shall be given one (1) course penetration
8 treatment of emulsified asphalt and local aggregate to the full width of the street
9 and an additional course to the middle twenty-two (22) feet of said street, all to
10 the specifications and requirements of the Town.
- 11 (t) Street Lighting. If a plat desires to include street lighting, the developer shall be
12 responsible for the installation of the street lights. The street lights shall meet
13 minimum illumination levels and shall also be installed at each street intersection,
14 at mid-block locations where the distance between intersections exceeds nine
15 hundred (900) feet, and at the end of each cul-de-sac. Such lights shall be
16 required on interior streets and may be required on alleys, boundary streets and
17 access paths if the Town Council finds that the anticipated frequency of usage
18 makes such requirement reasonable for public safety and welfare. The streetlights
19 and mounting poles shall be a type approved by the Administrative Official and
20 shall be wired for underground service except where overhead service is
21 permitted.
- 22 (u) Street Markers. Street name signs shall be provided and installed by the developer
23 as approved by the Town at the expense of the applicantsubdivision.
- 24

- 25 23. **Traffic Control Devices.** The following traffic control regulations shall apply to
26 subdivisions where the Administrative Official determines that traffic control devices
27 shall be required:
- 28

29 The applicant shall install all required traffic control devices based on design
30 requirements, including but not limited to, traffic lights, information and warning signs,
31 acceleration or deceleration lanes, lane delineators, and other necessary traffic control
32 devices on all roads within and interfacing with the subdivision. A traffic impact analysis
33 pursuant to the Concurrency-Management procedures of this Code, approved by the
34 Administrative Official and other appropriate agencies, shall determine traffic light
35 requirements. All control devices shall be consistent with the Florida DOT Manual
36 entitled "Uniform Traffic Control Devices for Streets and Highways" as per Florida
37 Statutes, Section 316.131. If, at any time prior to final acceptance, an unforeseen need
38 becomes apparent for signing, pavement markings, or other traffic controls that were not
39 shown on the approved plans, the Town of Miami Lakes reserves the right to require the
40 additional traffic control devices in the interest of public safety and as a condition of
41 Town acceptance.

42

- 43 24. **Utilities.** New subdivisions shall be required to install underground utilities, including
44 franchised utilities, power and light, telephone and telegraph, water, sewer, cable
45 television, wiring to street-lights and gas.

- 1 (a) Coordination of Easements. Easements shall be coordinated with requisite utility
2 authorities and shall be provided as prescribed by these platting regulations for the
3 installation of underground utilities or relocating existing facilities in
4 conformance with the respective utility authority's rules and regulations.
5
- 6 (b) Waivers. The Administrative Official may waive the requirement for
7 underground installation if the service to the adjacent area is overhead and it does
8 not appear that further development in adjacent areas with underground utilities is
9 possible. Any new service which is allowed by the waiver herein to be supplied
10 by overhead utilities shall be connected to a service panel that is convertible for
11 underground utility service at a future date.
12
- 13 (c) Applicant Responsibility for Underground Installations. The applicant shall make
14 necessary cost and other arrangements for such underground installations with
15 each of the persons, firms or corporations furnishing utility service involved.
16
- 17 (d) Construction within Easements. Utilities shall be constructed in easements as
18 prescribed by the Town Code.
19
- 20 (e) Utility Installation. After the subgrade for a street has been completed, the
21 remainder of the street right-of-way has been graded and before any road or street
22 construction material is applied, all underground work for the water mains,
23 sanitary sewers, gas mains, telephone electrical power conduits, cable television
24 and any other utilities with appurtenances and branches for surface connections
25 shall be completely installed throughout the width of the street to the sidewalk
26 area, or provisions made so that the roadway or right-of-way will not be disturbed
27 for utilities installations or service connections. All underground improvements
28 so installed for the purpose of future service connections shall be properly capped
29 and backfilled and their locations identified.
30

31
32 **C. CONSTRUCTION STANDARDS**
33

- 34 1. **Construction Method.** The construction methods and all materials used in the
35 improvements required by these platting regulations shall comply with applicable
36 specifications of the Town approved by the Administrative Official and those methods
37 and materials based on best management principles and practices as established by the
38 FDEP, SFWMD, and other institutions with broad based standing among professionals.
39
- 40 2. **Measurements and Test.** During construction, the applicant's engineer shall make such
41 measurements, field tests and laboratory tests or cause them to be made to certify that the
42 work and materials conform to the approved development plans and the provisions of
43 these platting regulations. The Administrative Official ~~or other representative designated~~
44 ~~by the Council~~ may require tests and measurements which are deemed necessary and
45 which shall be performed at the expense of the applicant or his engineer.
46

1
2 **D. ADMINISTRATION**
3

- 4 1. **Staff Administrative Review Responsibility.** The Administrative Official shall
5 administer the provisions of these platting regulations.
6
- 7 2. **Burden of Proof and Other General Responsibilities of Applicant.** The burden of
8 proof regarding the suitability of all applications, plans, plats, reports, tests, compliances,
9 dedications, existence of agreements, liens, mortgages, surety, and other pertinent
10 documents and instruments shall rest with and be the sole responsibility of the applicant
11 or his duly authorized agent as prescribed in these regulations.
12
- 13 3. **Hold Harmless Provision.** The applicant shall furnish to the Town Council a waiver,
14 release and hold harmless from all liability and responsibility, including provisions for
15 indemnification for any and all damages or losses caused directly or indirectly by the
16 breakdown, collapse or failure to any buildings, installations or structures constructed or
17 installed and dedicated to the Town in connection with the applicable development or
18 project.
19
- 20 4. **Enforcement.** The Town Council or any aggrieved/affected person may have recourse to
21 any remedies in law and equity that may be necessary to ensure compliance with the
22 provisions of these platting regulations, including injunctive relief to enjoin and restrain
23 any person violating the provisions of these platting regulations and the court shall upon
24 proof of the violation of the Article have the duty to forthwith issue those temporary and
25 permanent injunctions that are necessary to prevent the violation of these platting
26 regulations. In addition to other remedies, the Town Council may institute any
27 appropriate action or proceedings to prevent a violation or attempted violation, to correct
28 or abate such violation, or to prevent any act that would constitute a violation.
29
- 30 5. **Performance Bond.** The Town shall require the posting of a bond, letter of credit or
31 cash bond covering a minimum of ~~seventy-one~~ seventy-one hundred twenty five percent (7125%) of
32 the cost for required improvements to protect the public interest, including, but not
33 limited to: drainage systems, potable water systems, wastewater disposal, roadway
34 improvements, sidewalks, or other performance of requisite public improvements.
35

36 *Note: Relocated from 3.1.h. Amount of Bond amended from 75% to*
37 *125% to ensure Town's ability to complete project without*
38 *additional expense.*
39

40 **E. SUBMISSION PROCEDURES FOR LOT SPLIT**
41

42 Any applicant desiring to create a lot split shall submit to the Administrative Official
43 copies of a final plat in conformance with these platting regulations, as prepared by a land
44 surveyor and any other requirements of Chapter 177, Florida Statutes. The
45 Administrative Official shall approve the plat which meets the requirement of these
46 platting regulations. Upon approval, the applicant shall file the plat of record with the

1 Administrative Official within a required time period from the date of approval. Failure
2 to file within the required time period shall void said lot split approval.
3

4 |
5
6 **F. SUBDIVISION PROCEDURES**
7

8 1. **Required Pre-Application Procedures.** Prior to submitting an application for
9 preliminary plat approval, the applicant for subdivision approval shall meet with the
10 Administrative Official or other designated Town Staff to discuss, informally,
11 preliminary studies and sketches and their relationship to these regulations. The pre-
12 application meeting provides an opportunity for the applicant to become thoroughly
13 familiar with the subdivision requirements and with the policies of the Comprehensive
14 Development Master Plan that affect the area in which the proposed subdivision lies.
15 Applicants shall be subject to the following pre-application procedures.
16

17 (a) Application. The applicant shall submit a written pre-application to the
18 Administrative Official for review ~~by staff~~. The pre-application shall contain a
19 written statement and sketch plan.
20

21 (b) Staff Review. Upon receipt of a satisfactory completed statement, plan and fee,
22 the Administrative Official shall distribute copies to the appropriate staff for
23 review and comment. Any opinion by the staff regarding the pre-application shall
24 be advisory only.
25

26 2. **Preliminary Plat Procedures.** The purpose of the preliminary plat is to present the
27 proposed subdivision in an exact and precise manner in order that it may be evaluated
28 pursuant to these platting regulations. The preliminary plat shall be completed and
29 approved prior to construction of the improvements required by these regulations. The
30 Town Council shall determine by resolution the number of copies, related fees, and the
31 time periods for each of the preliminary plat procedures.
32 |

33 (a) Preparation of Preliminary Plat. The applicant shall retain the services of a Civil
34 Engineer and/or Land Surveyor registered in Florida to prepare a preliminary plat
35 of the proposed subdivision. The plat shall be clearly and legibly drawn or
36 reproduced at a scale no smaller than one inch equals 200 feet (1" = 200').
37 |

38 (b) Filing Fee. Upon filing the preliminary plat with the Administrative Official, the
39 applicant shall submit a fee, which shall be determined by the resolution of the
40 Town Council, payable to the Town of Miami Lakes. The fee is not reimbursable
41 but is to help defray the cost of administering and processing the preliminary plat.
42 If more than one re-submittal of a corrected or revised preliminary plat is required
43 by the staff or reviewing entity, an additional fee shall be charged for each re-
44 submittal, as shall be determined by resolution of the Town Council.
45 |

1 (c) Review Procedures. The Administrative Official shall coordinate the review of
2 the preliminary plat and supplemental information as to their completeness and
3 specific conformance with these platting regulations. The staff shall inform the
4 applicant's engineer whether the plans and/or plat as submitted meet the general
5 provisions of these platting regulations.
6

7 (1) When the staff finds that the preliminary plat and required data do not
8 meet provisions of these platting regulations, the applicant shall be so
9 advised in writing as soon as practicable concerning what corrections or
10 revisions are necessary to meet the provisions of this article. Upon receipt
11 of such findings, the applicant shall make the corrections or revisions and
12 resubmit the preliminary plat and required data to the Administrative
13 Official for review of the amended plan. If the applicant chooses not to
14 provide the corrections, revisions, or other information requested by staff,
15 the Administrative Official shall, at the request of the applicant, forward
16 the application to the Town Council accompanied by the staff's
17 comments, including documentation of unresolved issues.

18 (2) When the Administrative Official determines that the preliminary plat and
19 required data meet the provisions of these platting regulations, such
20 written recommendations shall be submitted to the applicant and the
21 subdivision application will be scheduled for the next step or steps in the
22 review process. Similarly, if the applicant fails to provide satisfactory
23 response to issues identified by staff, the applicant shall be allowed to
24 appear on the agenda of the Town Council. In such case, written
25 comments of staff shall be provided to the Town Council and the applicant
26 and the subdivision application shall be forwarded to the Town Council.

27 (3) Subsequent to receiving a staff recommendation, the applicant shall be
28 scheduled for the next available regular public meeting of the Town
29 Council. Prior to the Town Council's review, the applicant shall submit
30 twelve (12) copies of the preliminary plat and required data to the
31 Administrative Official. The Town Council may consider the physical
32 characteristics of the property, the availability of community services,
33 traffic impact, economic impacts, appropriateness of the type and intensity
34 of the proposed development, existing and future development, existing
35 and future development patterns, land development regulations,
36 relationship of the project to the capital improvements program, or other
37 such factors as may relate to the Comprehensive Development Master
38 Plan or elements thereof.

39 (4) The applicant shall not be allowed to introduce new material at the Town
40 Council meeting unless the applicant has previously provided the same to
41 the Administrative Official and given the Administrative Official
42 reasonable time to review and prepare and disseminate a written technical
43 evaluation to the Town Council and the applicant prior to the scheduled
44 Town Council meeting. During its review, the Town Council shall
45 consider the written recommendations of staff, any other reviewing

1 agencies, and presentations by the public. The Town Council may
2 approve or disapprove the preliminary plat and required data.
3

4 **3. Subdivision Final Plat Approval Procedures.** As the final step in the subdivision
5 review process, the applicant shall prepare and submit a final plat. No final plat shall be
6 recorded until the required improvements have been installed or performance guarantee
7 posted pursuant to the requirements of this Article. No such required improvements
8 including streets, drainage and other required facilities shall be accepted and maintained
9 by the Town, unless and until the same have been duly inspected and approved by the
10 Town staff, and have also been approved as to form by the Town Attorney and accepted
11 for maintenance by the Town Council. Prior to acceptance and approval of the required
12 improvements the final plat shall be approved by the Administrative Official, Town
13 Attorney, and the Town Council and the ~~applicant-Clerk~~ shall duly record the approved
14 plat with the Clerk of the Circuit Court of Miami-Dade County, who shall record only
15 those final plats which have been so approved in accordance with the platting regulations.
16 The applicant shall provide the Town the following:
17

- 18 (a) Fee for Final Plat. Upon filing application for final plat approval, the applicant
19 shall pay to the Town a processing fee, the amount of which shall be determined
20 by resolution of the Council, in order to help defray the cost of processing the
21 final plat.
22
- 23 (b) Timing of Final Plat Submission. Failure to submit the final plat within a
24 specified amount of time shall require reapplication under the Preliminary Plat
25 provisions of these platting regulations unless the Council grants an extension of
26 time.
27
- 28 (c) Required Compliance. The final plat shall conform to the approved subdivision
29 master plan, shall meet the legal requirements of platting as defined by Chapter
30 177, Florida Statutes, as amended, and shall consist of a fully executed correct
31 plat map, meeting all State and local standards, final engineering drawings and
32 auxiliary submittals, and all required legal instruments. Notwithstanding, the
33 final plat shall constitute only that portion of the approved preliminary plat and
34 subdivision master plan which the applicant proposes to record and develop
35 within a required time period.
36
- 37 (d) Content of Final Plat. The final plat shall include one original to be drawn or
38 printed on 24 x 36 inch mylar or other approved material and two copies of the
39 final plat and of all other required data. The final plat shall be prepared by a
40 Florida Registered Engineer and is to be clearly and legibly drawn with black
41 permanent drawing ink or other approved process to a scale of not smaller than
42 one inch equals one hundred feet (1" = 100') or as otherwise determined by the
43 Town. The final plat shall be prepared in accordance with the provisions of
44 Chapter 177, Florida Statutes, as amended.
45

1 4. **Schedule of Development Phases.** The applicant may schedule proposed development
2 phases within any proposed subdivision. The scheduled development phases shall have
3 been specified on the approved preliminary plat and shall be of such a size and design
4 and be scheduled so that all portions completed at any time can exist independently as a
5 subdivision in complete conformity with the requirements of this article. The Town
6 Council must approve any change in the schedule of phases. If phased, the applicant
7 shall have the option of requesting either final plat approval or the issuance of a
8 certificate of completion on one or more of the development phases in conformity with
9 all the procedures and requirements of the Code.

10 |
11 5. **Time Restriction on Development.** The applicant may not apply for final plat approval
12 on any portion of the approved preliminary plat that is not proposed to be recorded and
13 developed within the required time period. Failure to make application for final plat
14 approval of a development phase or for the issuance of a certificate of completion for a
15 development phase on an approved preliminary plat within the required time period from
16 the date of approval of the preliminary plat (or within required time period of the final
17 plat approval for a related phase of a multi-phase development) may result in revocation
18 of said preliminary plat unless the applicant applies for an extension from the Council
19 prior to the lapse. The request for extension must be made in writing to the Town
20 Council and shall be filed with the Town Clerk at least ninety (90) days prior to the
21 scheduled expiration of the preliminary plat. The applicant must demonstrate good cause
22 for the extension. The Town Council shall consider the request at a meeting and may
23 extend the prescribed time period if the applicant presents evidence that demonstrates that
24 the applicant has progressed in good faith toward implementing the preliminary plat.

25 |
26 6. **Submission of Final Plat.** Upon completion of the foregoing requirements, prints of the
27 final plat and reproducible mylars of the final plat shall be submitted to the
28 Administrative Official

29 |
30 (a) Review by Staff. The Administrative Official and Town Attorney shall examine
31 the final plat as to its compliance with the Florida law and the ordinances of the
32 Town of Miami Lakes. The recommendations as to compliance shall be in writing
33 and reported within a required time period, or at such other time as shall be
34 determined by resolution of the Town Council.

35 |
36 (1) If any deficiency exists, a reference shall be made to the specific Code
37 provision with which the final plat does not comply. The applicant upon
38 written notice shall correct any such deficiency.

39 (2) If the final plat meets the provisions of the platting regulations and
40 complies with other applicable laws and ordinances, the Administrative
41 Official shall recommend approval to the Council.

42 (3) No revisions shall be allowed to the final plat after it has received Town
43 Council approval.

44 |
45 (b) Council Review Procedure Where Required Improvements Constructed Prior to
46 Recording. Upon submittal of the reproducible final plat, certification and

1 approvals contained on the plat shall be current and the plat shall be checked as
2 required by these platting regulations prior to presentation to the Town Council
3 for approval.

- 4 |
5 (c) Council Review Procedure Where Performance Guarantee Posted. In the event
6 the applicant elects to record the final plat prior to completion of the required
7 improvements under performance guarantees as provided for in the Code, the
8 final plat shall be presented to the Town Council by the Town Attorney
9 accompanied by appropriate legal instruments. Action by the Town Council shall
10 be taken within a required time frame after receipt of the final plat and supporting
11 data to the Town unless the applicant requests delay.

12
13 If the Town Council certifies that the development has met all requirements of
14 these platting regulations, the plat shall be endorsed as finally approved by the
15 Mayor and attested by the Town Clerk ~~in order that it may be~~ who shall recorded
16 the plat among the public records of Miami-Dade County.

17 |
18 7. **Required Improvements and Guarantees**

- 19 |
20 (a) Completion of Required Improvements Prior to Final Plat Recording. In the
21 event the applicant exercises the right to construct and complete required
22 improvements prior to recording of the final plat, the Town Staff shall have the
23 right of entry upon the property to be platted for the purpose of inspecting and
24 reviewing the construction of the required improvements during the progress of
25 such construction. The applicant shall coordinate the construction with the Town
26 Staff and provide the Town Staff with at least 24 hours notice of construction
27 events that Town Staff requests to inspect. When the required improvements are
28 complete, the final plat along with the records and data as herein prescribed shall
29 be submitted by the applicant to the Administrative Official and shall be reviewed
30 by the Administration Official as provided for in these platting regulations. When
31 all requirements of this ordinance have been complied with the plat and a
32 completion certificate, rendered on a form to be provided by the Administrative
33 Official, shall be presented for review and approval to the Town Council by the
34 Town Staff, within a required time frame after receipt of the completion
35 certificate. Upon such approval the plat shall be submitted by the Administrative
36 Official or Town Clerk to the Office of the Clerk of the Circuit Court for
37 recording.

- 38 |
39 (b) Performance Guarantees. A guarantee shall be required from the applicant who
40 chooses not to install the required improvements prior to final plat approval, to
41 ensure the proper installation of required street, utility, and other improvements,
42 in the event of default by the applicant. The guarantee shall be presented in one
43 of the following forms.

- 44 |
45 (1) Cash Deposit. The applicant shall deposit with the Town or place in an
46 escrow bank account subject to the control of the Town, cash in the full

1 amount of ~~50~~125% of engineering and construction costs as agreed upon
2 by Town Staff for the installation and completion of the required
3 improvements. ~~The applicant shall be entitled to receive all interest~~
4 ~~earned on such deposit or account.~~ In the event of default by the applicant
5 or failure of the applicant to complete such improvements within the time
6 required by the Code, the Town, after sixty (60) calendar days written
7 notice to the applicant, shall have the right to use such cash deposit or
8 account to secure satisfactory completion of the required improvements;
9 or

- 10 (2) Personal Bond with Irrevocable Letter of Credit. The applicant may
11 furnish to the Town a personal bond secured by unconditional and
12 irrevocable letter of credit in an amount equal to ~~50~~125% of the total
13 estimated cost of engineering and construction as agreed upon by Town
14 Staff for the installation and completion of the required improvements.
15 The expiration date of the letter of credit shall be at least (3) months
16 following the date of certification of all improvements. The letter of credit
17 shall be issued to the Town by the State of Florida or United States
18 banking institution. Such letter of credit shall be in the form set forth by
19 the Town Attorney and approved by the Town Council.
20

21 In event of default by the applicant or failure of the applicant to complete
22 such improvements within the time required by this ordinance, the Town,
23 after sixty (60) days written notice to the applicant shall have the right to
24 use any funds resulting from drafts on the letter of credit to secure
25 satisfactory completion of the required improvements; or

- 26 (3) Surety Completion Bond. A surety completion bond, including a payment
27 of vendors clause, executed by a company having a Best's rating of AAA
28 and authorized to do business in the state and acceptable to the Town,
29 shall be furnished and payable to the Town for two (2) years in the sum of
30 ~~50~~125% of the total cost of the engineer's estimates for streets street and
31 traffic control devices, markings, sidewalks, drainage facilities, street
32 signs, water and sewer facilities and other improvements as shown on the
33 final development plan and agreed upon by Town Staff; the bond to run
34 from the date the building in the development or the last building in an
35 approved phasing of the development is certified for occupancy by the
36 Building Official. In the event of default in reasonable maintenance as
37 determined by the Administrative Official shall do either of the following:
38 1) Demand performance within ten (10) days by certified mail; 2) Call
39 maintenance bond required under these platting regulations and expend all
40 sums as required without reaction or limitation to cure defaults or remove
41 structures when required.

*Note: Amount of Bond amended from 50% to 125% to ensure
Town's ability to complete project without additional expense.*

1
2
3 **G. ADMINISTRATION OF CONSTRUCTION**

4 After submittal of the final plat and supplementary material an applicant may construct the
5 required improvements subject to obtaining all required permits. The Administrative Official
6 shall be notified in advance of the date of commencement of such construction and shall be
7 provided with a schedule of construction activities for the project. The schedule of construction
8 activities shall be updated on a monthly basis by the applicant and re-submitted to the Town
9 Administrative Official.

- 10
11 1. **Observation.** Construction shall be performed under the observation of, and shall at all
12 times be subject to, review by the Administrative Official. This in no way shall relieve
13 the applicant and the applicant's engineer of the responsibility for close field coordination
14 and final compliance with approved plans, specifications and requirements of this Article.
15
16 2. **Construction Administration by Florida Registered Civil Engineer.** The applicant
17 shall employ a Florida registered civil engineer for complete administration of the
18 construction of the required improvements. The applicant shall require progress reports
19 and final certification of the construction of the required improvements from such
20 engineer be filed with the Administrative Official.
21
22 3. **Right to Enter.** The Administrative Official ~~or his designee~~ shall have the right to enter
23 upon the property for the purpose of inspecting the quality of materials and workmanship
24 and reviewing the progress of such construction.
25
26 4. **Progress Reports.** The applicant's engineer shall submit construction progress, reports
27 at points of progress prescribed by the Town. The applicant's engineer shall coordinate
28 joint reviews of construction with the Administrative Official.
29
30 5. **Stop Work Orders.** The Administrative Official shall have the authority to stop the
31 work upon failure of the applicant or his engineer to coordinate the construction of the
32 required improvements as prescribed by these platting regulations.
33
34 6. **Final Inspections.** Upon completion of the required improvements the applicant's
35 engineer shall give the Administrative Official, within a one week time period, notice to
36 make the final inspection of the improvements, landscaping, and sign installations. The
37 Administrative Official shall also have the authority to withhold or deny approval of
38 Certificates of Occupancy relative to buildings and/or structures of a subdivision until the
39 construction and installation of required improvements of that subdivision have been
40 satisfactorily completed as prescribed by this Article.

41
42 **H. COMPLETION CERTIFICATE**
43

44 The required improvements shall not be considered complete until a completion certificate along
45 with the final project records, including "as built" drawings have been furnished to, reviewed and

1 approved by the Administrative Official. The certificate shall be certified by the applicant's
2 engineer stating that the required improvements were installed under his responsible direction
3 and that the improvements conform to the approved construction plans and the Code. The
4 applicant's engineer shall also furnish a copy of each of the construction plans on a high quality,
5 durable reproducible material, acceptable to the Administrative Official, showing the original
6 design in comparison to the actual finished work and a copy of the measurements, tests and
7 reports made on the work and material during the progress of the construction.
8

9 **I. CONDITIONS FOR RELEASE OF APPLICANT FROM BOND**

10
11 As a condition for the final release of the applicant from his bond, or for the release of any cash
12 securities deposited with the Administrative Official, the following must be furnished.
13

- 14 1. Evidence by reference to plat book and page that the approved final plat has been filed;
- 15 2. A statement from the Administrative Official that he has found the work to be in
16 accordance with the general provisions of the development plan;
- 17 3. The submission by the applicant's engineer to the Administrative Official of a complete
18 set of "as built" drawings together with operating manuals and parts lists for any
19 mechanical installations made;
- 20 4. A statement by the applicant's surveyor verifying completion of all required survey work
21 and installation of all required P.R.M.; and
- 22 5. A release from the contractor, engineer, surveyor or any other person or persons
23 performing any service or furnishing any material for the subdivision that they will not
24 file a lien on the subdivision for nonpayment of service or material charges.
25

26 **J. TIME EXTENSIONS**

27
28 All required improvements for a project or each phase thereof shall be completed within a
29 required time period from the date of preliminary plat approval. The Town Council, upon the
30 recommendation of the Administrative Official, may grant time extensions for demonstrated
31 good cause. The applicant shall present a written request for extension to the Administrative
32 Official. Each time extension shall not exceed the time period required.
33

34 **K. ACCEPTANCE AND MAINTENANCE OF REQUIRED IMPROVEMENTS**

- 35
36 1. **Workmanship and Material Agreement.** The applicant shall execute an agreement
37 guaranteeing all improvements against defect in workmanship and materials for one year
38 after acceptance of such improvements by the Town Council. Said agreement shall be
39 submitted to the Administrative Official along with the completion certificate and project
40 records.
41
- 42 2. **Procedure for Accepting Dedications.** The dedication of public space, parks, streets,
43 right-of-way, easements or the like on the plat shall not constitute an acceptance of the
44 dedication by the Town. The applicant shall apply to the Town for acceptance of
45 improvements by the Town Council. The Town Council shall accept no dedication until
46 the Administrative Official has approved all environmental audits required pursuant the

1 Land Development Code. The acceptance of the dedication shall be subject to the
2 inspection and approval of the Administrative Official. Such acceptance shall occur only
3 upon adoption of ~~resolution~~ a Development Order by the Town Council, which shall
4 accept the subject dedications at such time as all improvements meet or exceed the
5 standards set forth by the Land Development Code. The applicant's engineer shall
6 furnish to the Administrative Official in writing a sealed and signed certificate stating
7 that the required improvements have been completed in accordance with the approved
8 plan and compliance with all applicable codes.

9 The Administrative Official shall receive notice in adequate time (one week) to arrange
10 for inspection prior to the beginning of construction and at appropriate staged intervals
11 thereafter. The Administrative Official may require laboratory or field tests as well as
12 staged inspections at the expense of the applicant. Any failure of work or materials to
13 conform to the plans and specifications or failure to notify the Town in time for indicated
14 inspections shall be cause for the Town Council to reject the facilities.

15 |
16 3. **Recommendation of Administrative Official.** The Administrative Official upon
17 satisfactory completion, receipt of the applicant's engineers completion certificate,
18 affidavits from all contractors and others who furnished goods and services for the
19 required improvements acknowledging payment in full therefore, and receipt of the
20 agreement, shall certify that the applicant has complied with all of the provisions of this
21 ordinance and shall recommend to the Council the acceptance of the dedications and,
22 when applicable, the maintenance of the required improvements.

23 |
24 4. **Acceptance by the Town Council.** Upon recommendations by the Administrative
25 Official, the Town Council by ~~resolution~~ Development Order shall approve the
26 subdivision, all dedications on the plat and the maintenance responsibilities of the
27 improvements.

28 |
29 5. **Applicant's Failure to Complete Required Improvements.**

30 |
31 (a) Premature Recording of Plats (or Where Applicant Fails to Complete Required
32 Improvements). When a plat has been recorded and the applicant fails to complete
33 the required improvements as required by these platting regulations, the Town
34 Council shall direct the Administrative Official to complete the required
35 improvements under the guarantees provided by the applicant. In such case, the
36 Town Council shall direct the Administrative Official and/or the Town Attorney
37 to call upon the guarantees to secure satisfactory completion of the required
38 improvements. Legal notice of such action shall be deemed to have been duly
39 served upon posting via Certified Mail Return Receipt Requested. Upon the
40 completion of construction of the required improvements, the Administrative
41 Official shall report to the Town Council and the Town Council shall accept by
42 ~~resolution~~ Development Order the dedications and maintenance responsibility as
43 indicated on the Plat. In such cases, the remaining guarantees posted by the
44 applicant shall be retained for a period of one year after completion in lieu of the
45 agreement. Any defects occurring during this period shall be repaired using funds
46 remaining in the guarantee.

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(b) **In Cases Where Plat Has Not Been Recorded.** Where an applicant has elected to install the required improvements prior to recording of the plat and fails to complete such improvements within the time limitations of this ordinance, all approvals of the subdivision shall be null and void and the land shall revert to its original state. No reference shall be made to the plat with respect to the sale of lots or issuance of building permits, unless and until the plat has been resubmitted with all of the supplementary material and approvals as herein prescribed have been granted.

1 **DIVISION 3.9**

PUBLIC HEARING AND NOTICE

2
3 (a) **Generally.** When an application for dDevelopment aApproval is subject to a public hearing,
4 the Administrative Official shall ensure that the necessary public hearing is scheduled for
5 the decision-making body reviewing the application and that proper notice of the public
6 hearing is provided, as set forth herein. All notices for public hearings shall include the
7 following information:
8

- 9 1. Identify the applicant, if other than the Town.
- 10 2. Indicate the date, time, and place of the public hearing.
- 11 3. Describe the property involved by street address or by legal description, and area of
12 the subject property. A map may be substituted for the legal description or as
13 required by State law.
- 14 4. Describe the nature, scope and purpose of the proposal being noticed.
- 15 5. Identify the Town department(s) where the public may inspect the application, staff
16 report and related materials during normal business hours.
- 17 6. Include a statement that affected parties may appear at the public hearing, be heard
18 and submit evidence with respect to the application.
- 19 7. Include other information as may be required by law.
20

21 (b) **Mailed Notice.** When the provisions of this Land Development Code require that mailed
22 notice be provided, the applicant shall provide, along with the application, a list of all
23 property owners within the required radius from the subject property, including the subject
24 property itself costs or providing such notice shall be included in the application fee or billed
25 through cost recovery as applicable. Distances for purposes of mailed notice requirements
26 shall be measured from the perimeter of the property subject to dDevelopment aApproval,
27 except that where the owner of the subject property owns contiguous property, the distance
28 shall be measured from the perimeter of the boundary of the contiguous property.
29

30 The following noticing information must be provided by the applicant.

- 31
32 1. ~~Two (2) copies of a list, on gummed labels, with the names and addresses of all~~
33 ~~property owners of land located within the required radius from the exterior~~
34 ~~boundary of the subject property. These labels are for mailing purposes. If the~~
35 ~~subject property constitutes only a portion of a contiguous ownership parcel, the~~
36 ~~exterior boundary from which the required radius is to be projected will be the~~
37 ~~exterior boundary of the entire contiguous ownership parcel. (Note: Labels can be~~
38 ~~no older than six (6) months by the time the public hearing is heard.)~~
- 39 2. ~~Two (2) copies of a list with the legal description of land owned by each property~~
40 ~~owner (lot number, block number and subdivision).~~
- 41 3. ~~Two (2) copies of a map of the subject area showing the required radius with the~~
42 ~~subject property highlighted.~~
- 43 4. ~~Original certified letter plus one (1) copy stating that the ownership list, map and~~
44 ~~mailing labels are a complete and accurate representation of the real estate property~~
45 ~~and property owners within the required radius from the subject property. This letter~~
46 ~~must be dated and give the address of the subject property and its legal description,~~

1 subdivision and plat book number and page. Also and state the source for this
2 information. (If prepared by a professional data research company, the preceding
3 information should automatically be included. If prepared by the applicant, this
4 letter must be signed by the applicant and notarized.) The Town maintains, in the
5 application package for public hearings, a list of names and telephone numbers of
6 local companies which the town believes are capable of producing the required
7 mailing labels and accompanying maps, legal descriptions and certified letter for this
8 application requirement.
9

10 *Note: This section was amended to allow for flexibility in the*
11 *mailing notification procedures and to ensure the costs thereof*
12 *remain the responsibility of the applicant.*

13
14 The Town Clerk shall prepare the written notice and shall be responsible for mailing the
15 notices. Notice by mailing is a courtesy only and no action taken by the Town shall be
16 voided by the failure of any individual property owner to receive such notice. The applicant
17 shall be responsible for all mailing notification costs as determined by the Town.
18

19 (c) **Published Notice.** When the provisions of this Land Development Code require that notice
20 be published, the applicant shall be responsible for the cost of Town staff preparing the
21 content of the notice and publishing the notice in the non-legal section of the local
22 newspaper of general circulation that has been selected by the Town. This notice shall be
23 published in accordance with timelines prescribed in Table 3-1 in this Article prior to the
24 required public hearing, except where provided otherwise in this Land Development Code.
25

26 (d) **Posted Notice.** When the provisions of this Land Development Code require that notice be
27 posted on the property subject to the application, the Administrative Official shall be
28 responsible for posting the property, and shall:
29

- 30 1. Place the signs on the property that is the subject of the application in accordance
31 with timelines prescribed in Table 3-1 in this Article prior to a required or requested
32 hearing.
- 33 2. Place the signs along each street that is adjacent to or runs through the subject
34 property at intervals of not more than two hundred feet (200') in a manner that
35 makes them clearly visible to adjacent residents and passers-by.
- 36 3. Place the signs no more than twenty-five feet (25') from the street so that the
37 lettering is visible from the street. Where the land does not have frontage on a street,
38 signs shall be erected on the nearest street, with an attached notation indicating
39 generally the direction and distance to the property subject to the application.
40

41 (e) **Re-noticing.** All costs of re-noticing the public hearing shall be borne by the party failing to
42 comply with the applicable notice requirements, ~~or the party requesting the deferral or~~
43 continuance, or whose actions are responsible for at the deferral or continuance which may
44 require re-noticing of the property hearing. Continuances to a date certain, announced at the
45 originally noticed meeting, shall not require re-notice of the new public hearing date.
46 Continuances to unspecified dates or substantive changes to an application request during the

1 | period an application has been continued, shall require re-noticing for the new public hearing
2 | date.

3 |
4 | (f) **Comprehensive Plan.** Notice for public hearings on applications for amendments to the
5 | Comprehensive Plan shall be noticed as follows:

- 6 |
7 | 1. Text or map amendments initiated by the Town shall be noticed by publication in
8 | accordance with the provisions of Section 163.3184, Florida Statutes. In addition,
9 | property owners of record within a 2,500 foot radius of the property subject to
10 | map amendments shall be provided mailed notice.
11 | 2. Text or map amendments initiated by a property owner or governmental agency
12 | other than the Town shall be noticed by publication in accordance with the
13 | provisions of Section 163.3184, Florida Statutes. Map amendments shall also be
14 | noticed by posting of the property, subject to the application, 30 days prior to the
15 | hearing. In addition, property owners of record within a 2,500 foot radius of the
16 | property subject to map amendments shall be provided mailed notice.
17 |

18 | (g) **Land Development Code.** Notice for public hearings on applications for amendments to
19 | the Land Development Code and the Official Zoning ~~District~~ Map shall be noticed as
20 | follows:
21 |

- 22 | 1. Text or map amendments initiated by the Town shall be noticed by publication in
23 | accordance with the provisions of Section 166.041, Florida Statutes. In addition,
24 | property owners of record within a 2,500 foot radius of the property subject to
25 | map amendments shall be provided mailed notice.
26 | 2. Text or map amendments initiated by a property owner or governmental agency
27 | other than the Town shall be noticed by publication in accordance with the
28 | provisions of Section 166.041, Florida Statutes. Map amendments shall also be
29 | noticed by posting of the property, subject to the application, 30 days prior to the
30 | hearing. In addition, property owners of record within a 2,500 foot radius of the
31 | property subject to map amendments shall be provided mailed notice.
32 |

33 | (h) **Other Development Requiring Public Hearing.** Public hearings on applications for
34 | development permit approvals other than rezoning, including, but not limited to
35 | Variances, Conditional Uses, Site Plans ~~for conditional uses, and Plats, and Vacations~~
36 | shall be noticed as follows:
37 |

- 38 | 1. Posting of the property subject to the application 10 days prior to the hearing.
39 | 2. ~~Courtesy M~~mailed notice to the property owners ~~off~~ record within a 500 foot
40 | radius of the property which is the subject of the application.
41 | 3. ~~Courtesy p~~Publication in the non-legal section of the local newspaper of general
42 | circulation that has been selected by the Town.
43 |

44 | (i) **Administrative Variance.** Administrative action on applications for administrative
45 | variances shall be noticed as follows:
46 |

1. Posting of the property subject to the application 30 days prior to final administrative action.
2. Mailed notice to the property owners of record adjacent to the property which is the subject of the application 30 days prior to final administrative action.
3. Publication in the non-legal section of the local newspaper of general circulation that has been selected by the Town.

(j) **Administrative Site Plan.** Administrative action on applications for administrative site plan requests shall be noticed as follows:

1. Posting of the property subject to the application 15 days prior to final administrative action.
2. Any administrative site plan application which encompasses 2 or more acres of land, proposes fifty (50) or more dwelling units and/or twenty thousand (20,000) square feet or more of nonresidential building area shall also require mailed notice to the property owners of record adjacent to the property which is the subject of the application 15 days prior to final administrative action.

(k) **Appeals of Action by the Administrative Official.** An applicant seeking an appeal of the action by the Administrative Official to the Town Council shall be responsible for notice of the appeal by mailed notice to property owners of record within a 500 foot radius of the property subject to the application and posting of the property subject to the application.

(l) **Applicant Bears Burden of Cost.** All costs of publication, mailing and posting shall be borne by the applicant.

(m) **Provisions of Florida Statutes to Prevail.** Where provisions of the Florida Statutes conflict with provisions of the Land Development Code, the Florida Statutes shall prevail except where the Land Development Code contains supplementary requirements non-conflicting with the Florida Statutes.

**TABLE 3-1
NOTICE REQUIREMENTS**

PERMIT	NOTICE SECTION	POSTED	PUBLISHED	MAILED
Appeal of Administrative Official	3.9 (ij)	10 days prior to hearing	10 days prior to hearing	500 feet radius
Variance	3.9 (h)	10 days prior to hearing	10 days prior to hearing	500 feet radius

Other Development Permits (i.e., site plan, conditional uses, plats, Vacations)	3.9 (h)	10 days prior to hearing	10 days prior to hearing	500 feet radius
<u>Administrative Variance</u>	<u>3.9 (i)</u>	<u>30 days prior to Administrative Action</u>	<u>30 days prior to Administrative Action</u>	<u>Adjacent property owners</u>
<u>Administrative Site Plan</u>	<u>3.9 (j)</u>	<u>15 days prior to Administrative Action</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>Administrative Site Plan*</u>	<u>3.9 (j)</u>	<u>15 days prior to Administrative Action</u>	<u>Not applicable</u>	<u>Adjacent property owners</u>
Comprehensive Development Master Plan – Town	3.9 (f)(1)	No	163.3184, F.S.	2500 feet radius for Map amendment
Comprehensive Development Master Plan – Owner	3.9 (f)(2)	30 days prior to hearing for Map amendment	163.3184, F.S.	2500 feet radius for Map amendment
Land Development Code - Town	3.9(g)(1)	No	166.041, F.S.	2500 feet radius for Map amendment
Land Development Code-- Owner	3.9 (g)(2)	30 days prior to hearing for Map amendment	166.041, F.S.	2500 feet radius for Map amendment

1
2 * Any administrative site plan application which encompasses 2 or more acres of land, proposes
3 fifty (50) or more dwelling units and/or twenty thousand (20,000) square feet or more of
4 nonresidential building area shall require notification of adjacent property owners.

1 **DIVISION 3.10**

2 **APPEALS**

3 (a) **Exhaustion of Remedies Required; Rendition of Development Orders.** No person
4 ~~aggrieved~~ affected by any resolution, Development Order, order or decision determination
5 of the Administrative Official, the Local Planning Agency, or the Town Council or other
6 Town Board, pursuant to the Land Development Code may apply to the Court for relief
7 unless that person has first exhausted the remedies provided for in the Land Development
8 Code. It is the intention of the Town Council that no application shall be made to the
9 Court for relief except from a Development Order resolution or ordinance reflecting final
10 action of adopted by the Town Council. Development Orders of the Town Council shall
11 be reviewed by the filing of an appeal or writ of certiorari in the appropriate court as
12 prescribed in the Florida Rules of Appellate Procedure. A Development Order is final, or
13 rendered, for purposes of filing an appeal or writ of certiorari to the court only upon the
14 Order's execution by the Town Clerk.

15
16 (b) **Copy of the Record.** For the purposes of review by the court, the Administrative Official
17 shall make available for public inspection and copying the record upon which each final
18 decision of the Town Council is based. Prior to certifying a copy of any record or portion
19 thereof, the Administrative Official shall make all necessary corrections in order that the
20 copy is a true and correct copy of the record. The Administrative Official may make a
21 reasonable charge commensurate with the cost of furnishing the record or any portion
22 thereof.

23
24 (c) **Regulatory Takings; Vested Right.** It is the intent of the Town Council that no decision
25 under this Land Development Code shall constitute a temporary or permanent regulatory
26 taking of private property ("taking") or an abrogation of vested rights ("vested rights
27 abrogation").

28
29 1. In the event that any court shall determine that a decision of the Town Council
30 under this Land Development Code constitutes a taking or vested rights
31 abrogation, such decision of the Town Council is declared to be non-final and the
32 court is hereby requested to remand the matter to the Town Council, which shall
33 reconsider the matter in a properly noticed public hearing.

34
35 2. In the event that a court fails to remand a matter to the Town Council after finding
36 that a taking or vested rights abrogation has occurred, the Administrative Official
37 is instructed to forthwith file an application to remedy such taking or vested rights
38 abrogation, which application shall be heard directly by the Town Council in a
39 properly noticed public hearing.

40
41 3. The Town Council may elect to request that any remand or Administrative
42 Official's application be deferred until a later point in the litigation, including, the
43 completion of any judicial appeals.

1 **ARTICLE 4. ZONING DISTRICT REGULATIONS**

2
3 **DIVISION 4.1 PURPOSE**

4
5 This article describes the purpose and intent of each zoning district; identifies permitted,
6 conditional, and prohibited uses by zoning district; and presents densities and development
7 regulations for each zoning district.
8
9

10 **DIVISION 4.2 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL**
11 **DISTRICTS RU-1, RU-1A, RU-1B, RU-1Z & RU-2**

12
13 **A. MAIN PERMITTED USES**

14
15 **1. RU-1, RU-1A, RU-1B, RU-1Z**

- 16
- 17 a. Single-Family Residences
- 18 b. A group home, which otherwise meets the definition of a community residential home,
- 19 shall be permitted in a dwelling unit subject to the requirements of Florida Statutes §
- 20 419.001 as amended from time to time and provided:
- 21 ~~(1) That the total number of resident clients on the premises shall not exceed six (6) in~~
- 22 ~~number.~~
- 23 ~~(2) That the operation of the facility be licensed by the State of Florida Department of~~
- 24 ~~Health and Rehabilitative Services and that said Department or sponsoring agency~~
- 25 ~~promptly notify the Town Manager of said licensure no later than the time of home~~
- 26 ~~occupancy.~~
- 27 ~~(3) That the structure used for a group home shall be located at least one thousand~~
- 28 ~~(1,000) feet from another existing, unabandoned, legally established group home. The~~
- 29 ~~1,000-foot distance requirement shall be measured by following a straight line from~~
- 30 ~~the nearest portion of the structure of the proposed use to the nearest portion of the~~
- 31 ~~structure of the existing use.~~

<p>32 <i><u>Note: Changes have been implemented throughout this Article to</u></i></p> <p>33 <i><u>group homes and community residential homes and facilities to</u></i></p> <p>34 <i><u>incorporate applicable revisions in Florida law..</u></i></p>
--

- 35
- 36
- 37 c. Municipal recreation building, playgrounds, parks or reservations owned and operated by
- 38 a municipality, County, State or the United States Government.
- 39 d. Private recreation area, private recreation building or playground owned and maintained
- 40 by a homeowner's or tenant association, provided same is approved in conjunction with
- 41 approval of the subdivision at time of site plan approval or plat.
- 42

43 **2. RU-2**

- 44
- 45 a. Any use permitted in an RU-1, RU-1A, RU-1B, RU-1Z zoning district.
- 46 b. Two-Family Residential Structures

1
2 **B. CONDITIONAL USES**

3
4 None

5
6 **C. PROHIBITED USES**

7
8 The following uses shall be prohibited in any RU-1, RU-1A, RU-1B, RU-1Z, and RU-2
9 Residential Districts:

- 10
11 1. All uses not specifically or provisionally provided for herein.
12 2. Bee hives or the breeding or raising of any insects, reptiles or animals other than customary
13 pets.
14 3. The keeping, breeding, or maintaining of farm animals such as horses, cattle, goats, etc.
15 4. The raising of poultry or fowl.

16
17 **D. ACCESSORY USES**

18
19 The accessory uses in the RU-1, RU-1A, RU-1B, RU-1Z and RU-2 residential districts are those
20 uses customarily associated with single-family residences such as, but not limited to, decks,
21 swimming pools, spas, tennis courts, ornamental features, storage structures, non-commercial
22 boat piers or docks. In addition, the following accessory uses are permitted:

- 23
24 1. Family day care and after-school care for children is permitted upon compliance with the
25 following conditions:
26 (a) That the total number of children on the premises does not exceed five (5) in number,
27 including in the count only preschool children of the resident family. Preschool children
28 shall consist of children five (5) years of age or younger.
29 (b) That the age of the children, excluding those of the resident family, shall not exceed
30 eleven (11) years of age.
31 (c) That the applicant secure a license from the Florida Department of Health and
32 Rehabilitative Service to operate a family day care home at the subject property.
33 (d) Where applicable, compliance with the requirements of this Code pertaining to
34 educational and child care facilities.
35 (e) Upon compliance with all conditions enumerated, a certificate of use and occupancy is
36 secured from the Town.
37 (f) That the facility shall comply with the safety barrier requirements and restrictions
38 enumerated in Division 5.13~~x~~.
39
40 2. Home Based Office as defined in Division 6.2~~x~~
41
42 3. Garage sales, estate sales, moving sales and yard sales shall not be deemed commercial
43 activities and will be permitted, so long as they are conducted on the residential property no
44 more than four (4) days per calendar year, per home, regardless of any change in ownership
45 throughout the one year period and involve the sale of normal household items only. A
46 garage sale permit from the Town of Miami Lakes is required.

1 | E. DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY AND TWO-FAMILY
 2 | DISTRICTS
 3 |

	Min. Lot Size	Min. Lot Width (4)	Front Setback (5)	Rear Setback (7)	Interior Side Setback	Street Side Setback	Max. Lot Coverage (1) (2) (3)	Building Size	Max. Height (6)
RU-1	7,500 sq. ft.	75'	25'	25'	10% of lot width, 5' min. 7.5' Max.	15'	40% for 1 story/ 35% for 2 story	2,000 sq. ft. min.	35' 2 stories
RU-1 Accessory- Structures <u>Buildings</u>			Not permitted	5'	5'	15'	20% of required rear yard	150 350 sq. ft. max. size per structure	15' 1 story
RU-1B	6,000 sq. ft.	60'	25'	25'	6'	10'	40%	1800 sq. ft. min.	35' 2 stories
RU-1B Accessory- Structures <u>Buildings</u>			Not permitted	5'	5'	10'	20% of required rear yard	150 350 sq. ft. max. size per structure	15' 1 story
RU-1A	5,000 sq. ft.	50'	25'	25'	5'	10'	40%	1700 sq. ft. min.	35' 2 stories
RU-1A Accessory- Structures <u>Buildings</u>			Not permitted	5'	5'	10'	20% of required rear yard	150 350 sq. ft. max. size per structure	15' 1 story
RU-1Z	4,500 sq. ft.	45'	20'	10' one story/ 15' two story	0' / 10'	15'	50%	1500 sq. ft. min.	35' 2 stories
RU-1Z Accessory- Structures <u>Buildings</u>			Not permitted	5'	5'	15'	20% of required rear yard	75 sq. ft. max. size per structure	15' 1 story
RU-2	7,500 sq. ft.	75'	25'	25'	7.5'	15'	40% for 1 story/ 35% for 2 story	900 sq. ft. min. per unit	35' 2 stories
RU-2 Accessory- Structures <u>Buildings</u>			Not permitted	5'	5'	15'	20% of required rear yard	150 350 sq. ft. max. size per structure	15' 1 story

4

1 1. Maximum Lot Coverage

2
3 Lot coverage is defined as the percentage of the total area of a lot that, when viewed directly
4 from above, would be covered by the principal residence. The lot coverage shall not include
5 accessory structures in the required rear yard, roof overhangs, projecting unenclosed
6 balconies, awnings, at grade walkways and decks, swimming pools, and canopies or porches
7 open on at least two sides and not covered by an enclosed floor above.
8

9 2. Lot coverage requirements shall in no way affect existing setback or spacing requirements, or
10 the requirements that residential uses must conform to residential setbacks when established
11 in business or industrial districts.
12

13 3. For waterfront lots the lot area used for lot coverage calculations shall include all of the land
14 up to the water's edge.
15

16 4. Lot width is measured at the required front yard setback and parallel to the front property line
17 abutting the street. However, in the residential districts the lot width shall be the average of
18 the front and rear lot widths if a lot meets the following criteria:

- 19 a. The side lot lines are not parallel.
- 20 b. The lots front a curvilinear street.
- 21 c. The width of the front lot line facing the street is at least:
22 50' for RU-1 and RU-2
23 40' for RU-1B
24 33' for RU-1A
25 31' for RU-1Z
26

27 5. For corner lots, the front shall be the narrowest portion facing a street unless otherwise
28 determined by the Town.
29

30 Where a lot extends through from one (1) street to another, the rear yard shall be as
31 determined by the original plat. For the purposes of locating accessory structures, the
32 administrative official shall determine the rear yard from the development pattern of the
33 adjoining lots. No accessory structure shall be placed on through lots if said structures would
34 conflict with other building values or uses on the same streets.
35

36 6. The height of a building shall be measured from the crown of the road in front of the property
37 to the highest ridge of a pitched roof or the highest point of a flat roof, not including the
38 parapet. Exceptions to the height regulations are listed in Division 5.15~~x~~.

39
40 7. For waterfront lots, the rear setback shall be measured from the water's edge. However, no
41 structures are permitted past the top of the slope or tie line other than those permitted by
42 Division 6.5 entitled "Waterfront Lots Properties".
43
44

45 **F. DENSITY**
46

1 | The Single-Family and Two-Family districts shall permit the following maximum densities:
2

- 3 RU-1 1 residence per 7,500 sq. ft. / 5.8 units per net acre
- 4 RU-1B 1 residence per 6,000 sq. ft. / 7.26 units per net acre
- 5 RU-1A 1 residence per 5,000 sq. ft / 8.7 units per net acre
- 6 RU-1Z 1 residence per 4,500 sq. ft. / 9.68 units per net acre
- 7 | RU-2 1 ~~duplex~~ two-family structure per 7,500 sq. ft. / 11.6 units per net acre

8
9

10 **G. ADDITIONAL DEVELOPMENT REGULATIONS FOR THE RU-1Z - ZERO LOT**
11 **LINE DISTRICTS**

- 12
- 13 1. Openings prohibited on the zero lot line side. The wall of the dwelling unit located on the lot
14 line shall have no windows, doors, air-conditioning units, or any other type of openings
15 except for the following:
 - 16 a. Atriums or courts shall be permitted on the zero lot line side when the court or atrium is
17 enclosed by three (3) walls of the dwelling unit, and a solid wall of at least eight (8) feet
18 in height is provided on the zero lot line. Said wall shall be constructed of the same
19 material as exterior walls of the unit.
 - 20 b. Windows shall be permitted on the zero lot line side provided said windows are placed at
21 a minimum height of six (6) feet above the finished floor level of any floor adjacent to
22 the wall below the window.
 - 23 c. Windows shall be permitted on a building wall which is located perpendicular to the zero
24 lot line property line or where said windows are located at least ten (10) feet from the
25 property line.
 - 26
 - 27 2. Maintenance and drainage easements. A perpetual four-foot wall-maintenance easement shall
28 be provided on the lot adjacent to the zero lot line property line, which, with the exception of
29 walls and/or fences, shall be kept clear of structures, decks and paving. This easement shall
30 be shown on the plat and incorporated into each deed transferring title to the property. The
31 wall shall be maintained in its original color and treatment unless otherwise agreed to in
32 writing by the two (2) affected lot owners. Roof overhangs may penetrate the easement on
33 the adjacent lot a maximum of twenty-four (24) inches but the roof shall be so designed that
34 water runoff from the dwelling placed on the lot line is limited to the easement area. Building
35 footings may penetrate the easement on the adjacent lot a maximum of eight (8) inches.

36
37
38 **H. SUBDIVISION OF RU-2 LOTS.**

39
40 | ~~Duplex~~ Two-family uses which comply with the minimum standards for such uses in the RU-2
41 | District and other districts where ~~duplex~~ two-family uses are permitted may be subdivided so as
42 | to create one (1) lot for each dwelling unit, provided that the following conditions are met:

- 43
- 44 1. Each individual lot must be subdivided in accordance with the Platting regulations of this
45 Code.

- 1 2. Lot frontage. Each individual lot shall have a minimum frontage of thirty-seven and five-
2 tenths (37.5) feet at the front property line and at the required twenty-five-foot front setback
3 line.
- 4 3. Lot area. Each individual lot shall have a minimum area of three thousand seven hundred
5 fifty (3,750) square feet.
- 6 4. Lot coverage. For each individual lot, the percentage of lot covered by structures shall not
7 exceed thirty five (35) percent.
- 8 5. Parking. For each individual lot, a minimum of two (2) parking spaces per lot shall be
9 provided.
- 10 6. Height. The maximum height shall be thirty-five (35) feet and two (2) stories.
- 11 7. Setbacks. 0' between units, all other setbacks shall comply with the minimum setbacks in this
12 section.
- 13 8. Utilities and services. Each individual unit shall be independently served by separate heating,
14 air conditioning, sewer, water, electric power, gas, and other facility and utility services,
15 wherever such utilities and services are provided, and no individual unit shall be in any way
16 dependent upon such services or utility lines located within another unit.
- 17 | 9. Walls. The individual units in a fee-simple ~~duplex~~two-family arrangement shall be separated
18 by a party wall meeting all requirements of the Florida Building Code. Where units are offset
19 from one (1) another and a common party wall is used, the wall may be placed equidistant on
20 each side of the lot line not exceeding the length of the offset.

21
22
23

1 **DIVISION 4.3_ RU-TH, TOWNHOUSE DISTRICT**

2
3 **A. Purpose and intent.**

4
5 It is the purpose and intent of this article to provide a townhouse zoning district in order to
6 permit separate ownership of one-family dwelling units upon compliance with certain rules,
7 regulations and standards, and to authorize the grouping of separately owned one-family
8 dwelling units into a group of townhouses in such a manner as to make efficient, economical
9 and aesthetically pleasing use of land, so restricted that the same will be continually well
10 maintained in order to preserve the health, welfare, safety, morals and convenience of the
11 neighborhood and surrounding area.

12
13 **B. Definitions.**

14
15 **1. *Townhouse or "Townhome"*** is an attached one-family dwelling unit with ground floor
16 access and situated so that no townhouse unit or a portion of a townhouse unit is located
17 above another unit in a group of three (3) or more such units separated by a common
18 party fire wall; provided, however, that up to ten (10) percent of the total number of units
19 on any individual site plan may be developed in two-unit groupings. Said common party
20 fire wall shall extend to the roof line or above the roof of units which it serves and shall
21 have no openings therein. Where units are offset from one (1) another and a common
22 party wall is used, the wall may be placed equidistant on each side of the lot line not
23 exceeding the length of the offset. Each townhouse unit shall be constructed upon a
24 separate platted lot; provided, however, that the roof lines may overhang onto adjacent
25 lots or common areas a maximum of twenty-four (24) inches, subject to the approval of
26 and determination by the Administrative Official or his designee that the roof or drainage
27 system is designed so that runoff of water from the roof does not adversely affect
28 adjacent units or lots. Each townhouse unit shall be serviced with separate utilities and
29 other facilities and shall otherwise be independent of one (1) another; provided, however,
30 that the electrical lines or telephone lines or cables which service a particular unit may be
31 placed through other lots where approved by the Administrative Official or his designee.
32 The Administrative Official or his designee's approval shall be based upon his finding
33 that the placement of said lines or cables will not adversely affect the lots through which
34 they are placed.

35
36 **2. *Awning.*** A temporary, movable, detachable canvas or other cloth protection against sun
37 or weather, supported by a metal frame, or wood, metal or other rigid material used
38 similarly as protection against sun or weather. Awnings may be so installed so as to
39 remain in a fixed position or be installed in a manner permitting raising and lowering or
40 shifting to function as a shutter to close entirely the protected opening. An awning must
41 be supported entirely from the walls of the building to which attached.

42
43 **3. *Canopy.*** A temporary detachable canvas or other cloth protection against the sun or
44 weather on a rigid metal frame, which may be of metal or other rigid material used
45 similarly as protection against the sun or weather which is supported in part by metal or
46 wood posts attached to the ground or to deck or floor of a building and, in part, on the

1 wall of the building. A canopy-shutter is a canopy installed, over an opening (door or
2 window) in a manner permitting raising and lowering to close entirely the protected
3 opening.
4

5 4. **Water's Edge** is defined as the average high ground water elevation. For properties
6 originally developed with a bulkhead or seawall, the water's edge shall be the waterside
7 of the existing bulkhead or seawall.
8

9 5. **Official Authorized Body** is defined as the body designated by the declaration of
10 restrictions in the townhouse developments to approve architectural changes. If such a
11 body does not exist the Town will appoint a Board.
12

13 C. Uses permitted.

14
15 No land, body of water or structure shall be used or permitted to be used, and no structure
16 shall be hereafter erected, constructed, moved, or reconstructed, structurally altered or
17 maintained for any purpose in a townhouse district (RU-TH) which is designed, arranged or
18 intended to be used or occupied for any reason or purpose, except for one (1) of the following
19 uses:
20

- 21 1. Townhouses as defined in this article.
- 22
- 23 2. Those uses permitted in the RU-1, RU-1A, RU-1B and RU-2 Districts, subject only to the
24 requirements, limitations and restrictions applicable therefore in said districts, including,
25 but not limited to, lot width, areas, yard areas, heights, density and coverage.
26

27 D. Development Regulations

28
29 Townhouse developments are subject to the following restrictions:
30

- 31 1. **Densities.** The maximum number of units per net acre shall not exceed eight and one-half
32 (8.5).
33
- 34 2. **Common open space.** A minimum of thirty (30) percent of the site to be developed for
35 townhouses shall be provided as a common open space; fifty (50) percent of said space
36 shall be unencumbered with any structure or off-street parking and shall be landscaped
37 and well maintained with grass, trees and shrubbery. The remaining fifty (50) percent
38 may be used only as swimming pools, tennis courts, shuffleboards, pedestrian walks,
39 entrance features, recreation buildings, maintenance buildings for the common areas,
40 lakes, canals and lagoons, and other recreational uses.
41
- 42 3. **Grouping length.** A grouping of townhouses shall not exceed two hundred forty (240)
43 feet in length.
44
- 45 4. **Unit size.** No townhouse shall be smaller than eight hundred (800) square feet, and the
46 average size of the townhouses in any grouping shall be a minimum of one thousand

1 (1000) square feet.

2
3 **5. Height.** The maximum height for any townhouse shall be forty (40) feet.

4
5 **6. Size of development site.** The minimum size of the site to be developed for townhouses
6 shall be one (1) net acre.

7
8 **7. Lot area for each unit.** No townhouse site shall contain an area of less than one thousand
9 two hundred fifty (1,250) square feet and the average size for a group shall not be less
10 than one thousand five hundred (1,500) square feet, and each unit shall have its
11 foundation on its individual site, except where the units are separated by a common party
12 wall in which event the foundation may be installed equidistant on each side of the lot
13 line for the length of the party wall and its extension along the offset of the townhouses
14 on abutting lots.

15
16 **8. Front yard requirements and Parking.** There shall be a fifteen-foot minimum distance
17 from the nearest edge of roadway pavement to the front building line. Where parking
18 spaces are provided in front of townhouse buildings, the required front setback of the
19 building shall be a minimum of twenty-five (25) feet from the nearest edge of roadway
20 pavement or common access drive for said parking area. The parking spaces shall be no
21 deeper than twenty (20) feet and a minimum five (5) feet of landscape buffer area shall be
22 maintained between the townhouse building and the end of the parking spaces.

23
24 If garages are provided the garage portion of the structure shall be set back twenty (20)
25 feet from the nearest edge of roadway pavement or common access drive. Any portion of
26 the townhouse building that is not located directly in front of parking spaces shall be set
27 back a minimum of fifteen (15) feet from the nearest edge of roadway pavement.

28
29 **9. Rear yard requirements.** The minimum rear building setback shall be (15) feet. The
30 setback shall be measured from the platted property line or if the lot extends into the water
31 the setbacks shall be taken from the water side of the bulkhead line or the water's edge.
32 Awnings and canopies shall be permitted to encroach a maximum of ten (10) feet into the
33 required rear yard setback.

34
35 **10. Side yard requirements.** A minimum side yard of fifteen (15) feet shall be provided
36 between the end of a group of townhouses and a public or private street. A spacing of
37 twenty (20) feet shall be provided between each such group of townhouses. The side
38 yard setback areas shall remain open and landscaped with the exception of a walkway
39 with a maximum width of three (3) feet.

40
41 **11. Street frontage.** Each townhouse site must have a clear, direct frontage on public streets
42 or to private accessways complying with public street requirements.

43
44 **12. Utilities and services.** Each townhouse shall be independently served by separate heating,
45 air conditioning, sewer, water, electric power, gas, and other facility and utility services,
46 wherever such utilities and services are provided, and no townhouse shall be in any way

1 dependent upon such services or utility lines located within another unit or on or in
2 another townhouse or townhouse site, except as may be installed in public easements. All
3 townhouses must be connected to water and sewer lines and all electrical and telephone
4 lines in a townhouse development site shall be placed underground. Proper and adequate
5 access for firefighting purposes, and access to service areas to provide garbage and waste
6 collection, and for other necessary services shall be provided.
7

8 **13. *Parking.*** Driveways and parking spaces shall be graveled or hard-surfaced. Parking shall
9 not be permitted on sand, lawns, common access areas, private access ways, across
10 sidewalks, center islands of cul-de-sacs and other non-paved areas not designated for
11 parking on the approved site plan. Overnight parking, any time between the hours of
12 12:00 midnight and 6:00 a.m., -shall not be permitted on landscaped swale areas, however
13 overnight parking shall be permitted on driveway approach areas if the vehicle does not
14 block the sidewalk. Unlicensed vehicles and inoperable vehicles may only be placed and
15 kept on a lot in a closed garage. ~~See Division XX of this code for~~ All parking
16 requirements and specifications shall be met as provided in this Code.
17

18 **14. *Street right-of-way width and improvements.*** The right-of-way width of public streets
19 and private streets serving a group of townhouses and the improvements therein shall
20 conform to all applicable minimum Town of Miami Lakes standards and maintenance
21 requirements for such streets.
22

23 **15. *Fences.*** *Fences and walls shall comply with Division 5.9A of this Code.* Unless approved
24 in the original site plan approval for the townhouse development, fences and or walls
25 shall not be permitted in the front of the townhouse units. Where permitted, fences and
26 walls shall not exceed 6' in height. Fences along lakefronts shall be constructed of the
27 open picket type or vinyl coated chain link.
28

29 **16. *Patio Walls.*** All patio outdoor living areas on each townhouse site shall be enclosed by a
30 wall affording complete screening except in cases where a natural feature of the site such
31 as a lake or golf course would suggest that complete screening would not be required.
32 Such determination shall be made as a result of the site plan review process as provided
33 herein. Such wall shall be of masonry or other similar material and the minimum height
34 of such wall shall be six (6) feet and the maximum height shall not exceed the roof line;
35 such walled-in patio areas may include an awning, canopy or screen roof. All rear yard
36 areas used for service, such as drying areas, shall be completely screened from view.
37

38 **17. *Awnings and Patio Coverings***
39

40 a. All awnings and canopies covering patios of townhouses shall only consist of a metal
41 frame covered with canvas, vinyl or cloth and be of a uniform size, color, pitch,
42 pattern and design throughout the development or sections of the development.
43

44 ~~b. Existing legal awnings or canopies that do not comply with the above standards shall~~
45 ~~be permitted to remain, however they shall be painted or covered in vinyl or cloth to~~
46 ~~match the color and pattern approved for the townhouse development within 24~~

1 | ~~months of the adoption of this ordinance. When nonconforming awnings or canopies~~
2 | ~~are replaced they shall be replaced with awnings or canopies that conform to the~~
3 | ~~above regulations.~~

4 |

<i>Note: Not applicable under Florida Building Code.</i>
--

- 5 |
- 6 |
- 7 | eb. All new and replacement awnings and canopies must be approved through the minor
8 | site plan amendment procedure contained in Article 4.3.E.2. of this code.
- 9 |
- 10 | ec. Supports for attached, open or screened canopies shall not extend past the height or
11 | length of the privacy walls.
- 12 |
- 13 | ed. All awnings and canopies including nonconforming awnings and canopies must
14 | comply with the maintenance standards of Division 6.1 of this code at all times which
15 | requires them to be regularly maintained and promptly cleaned, painted or replaced
16 | when they become encrusted with mold, fungus, soil or any other matter which
17 | detrimentally affect their appearance, or when they become discolored by their
18 | exposure to sun.

19 |

20 | **18. Patios and service areas**

- 21 |
- 22 | a. There shall be provided on each townhouse site at least four hundred (400) square
23 | feet of patio living area exclusive of parking and service areas for each townhouse;
24 | such footage may consist of one (1) or more patio areas. Open and non air-
25 | conditioned roof areas and balconies designed and planned for patio purposes may be
26 | credited toward patio area. The following features may also be included in the
27 | required patio area calculation: Screen enclosures, canvas roofed areas, patio slabs,
28 | jacuzzis, swimming pools, decks, garden features and hot tubs. Said features must be
29 | either shown on the approved site plan or approved pursuant to the provisions of
30 | Article 4.3E.2.
- 31 |
- 32 | b. The required patio and service areas for existing individual townhouse units that have
33 | been enclosed without a building permit as of May 17, 2005, may be approved by the
34 | Administrative Official provided that:
- 35 |
- 36 | (1) Site Plan approval is obtained through the site plan review criteria and procedures
37 | outlined in Division 3.4 of this Code. If approved, conditions may be imposed to
38 | mitigate the impact of the patio enclosure on the townhouse community.
- 39 | (2) The applicant submits as part of the site plan application a recommendation from
40 | the official authorized body. The recommendation may be either for approval,
41 | denial or approval with conditions. The recommendation is advisory only and a
42 | positive recommendation is not required in order to receive site plan approval.
- 43 | (3) The patio area to be enclosed is surrounded on three sides by the existing enclosed
44 | portions of the townhouse.
- 45 | (4) The enclosed area does not extend beyond the outermost footprint of the
46 | townhouse unit and will not reduce the existing setbacks.

1 (5) The enclosures shall be of a uniform design throughout the townhouse
2 community.

3 (6) All required building permits must be obtained and the proposed enclosure must
4 comply with the applicable building codes in effect at the time of the building
5 permit.
6

7 **19. Accessory buildings and structures.** Accessory buildings and structures are not permitted
8 within the front or side setback areas. Detached fully enclosed accessory buildings shall
9 not be permitted. Accessory storage sheds less than 56' high and no more than 350 sq. ft.
10 shall be permitted if they are located behind walls or fences and not visible from other
11 properties or right-of-ways. Accessory structures such as gazebos, trellises, jacuzzis, hot
12 tubs, decks, pools etc. are only permitted within the patio walled areas and shall not
13 extend above the height of the patio walls and must be approved through the site plan
14 review process in Division 3.4 as minor site plan amendments.
15

16 **20. Building and Roof Colors.**

17
18 a. All townhouse buildings within a development or within separate groupings in a
19 development shall be painted in the same color or color scheme as approved by the
20 official, authorized body.
21

22 b. All roofs within a development shall be comprised of the same material and color as
23 approved by the official, authorized body. All roofs, with the exception of
24 cloth/canvas awnings or canopies, with a pitch greater than 2 ½ shall be constructed
25 of cement, ceramic, or metal to simulate flat cement tile or barrel tile. All re-roofs
26 shall match the color and material of the existing attached roofs.
27

28 **21. Air-conditioning Units.** All roof mounted A/C units within a townhouse development
29 should be substantially screened from view at eye level (5' – 6" above grade). The
30 screening devices shall be similar throughout the townhouse development and approved
31 by the official, authorized body designated in the townhouse development to approve
32 architectural changes in the townhouse community. Ground located A/C units shall be
33 screened from view from the front of the property by landscaping.
34

35 **E. Site plan review**

36
37 All new construction of townhouses, exterior changes to existing townhouses or the addition
38 of enclosed floor area shall require approval through the site plan review procedures outlined
39 in Division 3.4 of this Code before a building permit can be issued. Second floor additions to
40 existing one story townhouses are not permitted.
41

42 **1. Site plan review criteria for new Townhouse Developments.** In addition to the site plan
43 review criteria specified in Division 3.4 of the Code the following design criteria shall be
44 utilized in the site plan review process for new developments:
45

46 a. Purpose and intent: The proposed development fulfills the objectives of this article.

- 1
2 b. The proposed new developments must comply with the townhouse development
3 regulations in this Division.
4
5 c. Landscape: Landscape shall be reserved in its natural state insofar as is practicable by
6 minimizing tree removal. Landscape shall be used to shade and cool, direct wind
7 movements, enhance architectural features, relate structure design to site, visually
8 screen noncompatible uses and block noise generated by the major roadways and
9 intense use areas.
10
11 d. Buffers: Buffering elements in the form of architectural design and landscape design
12 that provide a logical transition to adjoining existing or permitted uses shall be
13 provided.
14
15 e. Scale: Scale of proposed structures shall be compatible with surrounding proposed or
16 existing uses or shall be made compatible by the use of buffering elements.
17
18 f. Street system: A well-defined system shall be designed to allow free movement
19 throughout the development while discouraging excessive speeds, and shall structure
20 the development in clearly defined clusters and/or groups of townhouses. All
21 dwelling units should be located on residential service streets or courts designed to
22 discourage all traffic except that of owner/occupants, their guests, and their services.
23 Pedestrian and auto circulation shall be separated insofar as is practicable.
24
25 g. Visibility: No obstruction to visibility at street intersections shall be permitted, and
26 such visibility clearances shall be as required by the Department of Public Works.
27
28 h. Energy consideration: Site design methods to reduce energy consumption shall be
29 encouraged. Energy site conservation methods may include siting of structures in
30 relation to prevailing breezes and sun angles and use of landscape materials for shade
31 and transpiration.
32
33 i. Parking: Private parking shall not be in adjacent groups of more than four (4) spaces,
34 said groups to be separated by the use of landscape elements. Where parking is
35 provided in a group arrangement, planting, berms or other innovative methods shall
36 be used as a means of minimizing the adverse effect of the visual impact of parked
37 cars. This requirement is in addition to the requirements of the landscape regulations
38 of ~~Division XX~~ Article 18A, Landscape Ordinance of the Code of the Town of Miami
39 Lakes.
40
41 j. Open spaces: Open spaces shall relate to any natural characteristics in such a way as
42 to preserve and enhance their scenic and functional qualities to the fullest extent
43 possible. To the extent possible the open spaces shall be designated as parks on the
44 site plan and plat.
45
46 k. Privacy: Due consideration of aural and visual privacy shall be evidenced in the

1 design of the overall development and in the design of the individual units.

- 2
- 3 1. Graphics: Graphics, as required, shall be designated as an integral part of the overall
- 4 design of the project.
- 5
- 6 m. Art display: Permanent interior and exterior art displays and water features should be
- 7 encouraged in the overall design of the project.
- 8
- 9 n. Emergency access: Access to emergency equipment shall be provided.
- 10
- 11 o. Visual screening for decorative walls surrounding townhouse developments: In an
- 12 effort to prevent graffiti vandalism, the following options shall be utilized for walls
- 13 abutting zoned or dedicated rights-of-way:
- 14
- 15 (1) *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet
- 16 from the right-of-way line and the resulting setback area shall contain a
- 17 continuous extensively landscaped buffer which must be maintained in a good
- 18 healthy condition by the property owner, or where applicable, by the official
- 19 authorized body. Perimeter walls surrounding subdivisions shall be painted one
- 20 consistent color scheme to be determined by the homeowners association and the
- 21 Town. The landscape buffer shall contain one (1) or more of the following
- 22 planting materials:
- 23
- 24 (a) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured
- 25 immediately after planting and shall be planted and maintained to form a
- 26 continuous, unbroken, solid, visual screen within one (1) year after time of
- 27 planting.
- 28 (b) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured
- 29 immediately after planting and shall be planted and maintained to form a
- 30 continuous, unbroken, solid, visual screen within one (1) year after time of
- 31 planting. The maximum height of the hedges shall be determined by ~~Division~~
- 32 5-10 Chapter 18A, Landscape Ordinance, of this code.
- 33 (c) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height
- 34 immediately after planting.
- 35
- 36 (2) *Walls with Anti-graffiti Paint.* All concrete block stucco walls abutting right of
- 37 ways shall be treated with anti-graffiti paint.
- 38
- 39 (3) *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated
- 40 right-of-way is constructed in lieu of a decorative wall, landscaping shall not be
- 41 required.
- 42
- 43 p. Utilities: No garbage, trash, refuse, rubbish, or recyclables shall be deposited or kept
- 44 on any lot except in a suitable sturdy container. Such container shall not be visible
- 45 from any point on the front lot line, or from the lake or golf course, as applicable
- 46 Corner lots shall also not have garbage, trash, refuse, rubbish or other debris and

1 discards, including recyclables, visible from the side yard which faces the street.

2
3 **2. *Minor site plan changes for existing townhouses.*** The Administrative Official or his
4 designee may administratively authorize through the site plan review process in Division
5 3.4-2, of this code minor exterior a changes in a site plan or to building elevations for
6 existing individual townhouse units for the following items: screen enclosures, changes to
7 approved landscape areas, patio slabs/pavers, new facial or trim work, trellis or garden
8 amenities, canvas or cloth awnings and canopies, walls or fences, jacuzzis, swimming
9 pools, decks, hot tubs, driveways, parking areas or similar improvements provided that:

10
11 a. The applicant submits as part of the site plan application a recommendation from the
12 official authorized body. The recommendation may be either for approval, denial or
13 approval with conditions. The recommendation is advisory only and a positive
14 recommendation is not required in order to receive site plan approval.

15
16 b. That the proposed changes comply with the Development Regulations for
17 Townhouses contained in the Land Development Code and variances are not
18 necessary to accomplish the proposed changes.

19
20 c. In approving the amendments or changes to the site plan or building elevations, the
21 Administrative Official or his designee shall find that the change in plan will be in
22 harmony with and compatible with existing development in the area, and will not
23 destroy the theme or character of the development in the area.

24
25 d. Additions of enclosed air-conditioned space is not permitted through the minor
26 amendment process and requires site plan approval through a public hearing.

27
28 e. *Exceptions.* The installation of temporary storm panels approved under the Florida
29 Building Code shall be permitted as a matter of right. However, the official
30 authorized body review shall be required for the installation of permanent storm
31 shutters. For the purposes of this subsection, temporary storm panels shall be defined
32 as detachable protection devices that are installed temporarily over building openings
33 in the event of an approaching hurricane or tropical storm.

34
35 **F. *Maintenance of common area.*** Provisions satisfactory to the Town of Miami Lakes shall be
36 made to assure that nonpublic areas and facilities for the common use of occupants of a
37 townhouse development, but not in individual ownership of such occupants, shall be
38 maintained in a satisfactory manner, without expense to the general taxpayer of the Town of
39 Miami Lakes. Such may be provided by the incorporation of an automatic membership
40 home association for the purpose of continuously holding title to such nonpublic areas and
41 facilities, and levying assessment against each townhouse lot, whether improved or not, for
42 the purpose of paying the taxes and maintaining such nonpublic areas and facilities which
43 may include, but not be limited to, recreational areas, off-street parking bays, private streets,
44 sidewalks, street lights, and common open and landscaped areas. Such assessments shall be a
45 lien superior to all other liens save and except tax liens and mortgage liens, provided said
46 mortgage liens are first liens against the property encumbered thereby, subject only to tax

1 liens, and secure indebtedness which are amortized in monthly or quarter-annual payments
2 over a period of not less than ten (10) years. Other methods may be acceptable if the same
3 positively provide for the proper and continuous payment of taxes and maintenance without
4 expense to the general taxpayers. The instrument incorporating such provisions shall be
5 approved by the Town Attorney as to form and legal sufficiency and shall be recorded in the
6 public records of Miami-Dade County at the time of the recording of the subdivision plat.
7

8 **G. *Platting requirements.*** Each townhouse unit shall be located on its own individual platted
9 lot. If areas for common use of occupants of a townhouse development are shown on the plat,
10 such areas shall not be approved until satisfactory arrangements are made for maintenance as
11 provided by this article.
12

13 **H. *Trees.*** Landscaping and trees shall be provided in accordance with ~~Division XX~~ Chapter
14 18A, Landscape Ordinance of this Code. Removal or reduction of existing privately owned
15 landscape or pervious areas approved as part of the original site plan within an existing
16 townhouse development is discouraged. However, removal of portions of a landscape or
17 pervious area may be permitted on an individual basis.
18

19 **I. *Swale Areas.*** When applicable, the swale area in the front of an individual townhouse that is
20 located within the public right-of-way shall be maintained by the abutting property owner.
21 Unless approved by the Town through a Public Works Permit, no structures or improvements
22 of any kind, with the exception of sod, annuals or perennials, driveway approaches and shade
23 trees approved by the Town, shall be permitted within the swale areas. Trees planted in the
24 swale area are the property of the Town and may not be removed or trimmed by the abutting
25 property owner without approval of the Town.
26

1
2 **DIVISION 4.4, RM-13, LOW DENSITY RESIDENTIAL DISTRICT (RU-3M)**

3
4 **A. Permitted Uses**

5
6 No land, body of water or structure shall be used or permitted to be used, and no structure shall
7 be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for
8 any purpose in an RM-13 District which is designed, arranged or intended to be used or occupied
9 for any purpose, except for one (1) of the following uses:

- 10
11 1. Those uses permitted in the RU-1, RU-1A, RU-1B, RU-2, and RU-TH Districts subject only
12 to the requirements, limitations and restrictions applicable therefore in said districts,
13 including but not limited to, lot width, area, accessory uses, yard areas, height, density and
14 lot coverage.
15
16 2. Multiple family apartment buildings

17
18
19 **~~B. Conditional Uses~~**

20
21 ~~13. A Community residential home as defined in Division XX may be permitted upon~~
22 ~~satisfaction of the provisions of the Conditional Use procedures in Division 3.3 of this code~~
23 ~~in addition subject to the requirements of Florida Statutes 419.001 as amended from time to~~
24 ~~time the following requirements:~~

- 25
26 ~~a. That the operation of the community residential home be licensed by the State of Florida~~
27 ~~Department of Health and Rehabilitative Services;~~
28 ~~b. That the community residential home not be located within a radius of one thousand two~~
29 ~~hundred (1,200) feet of another existing, unabandoned legally established community~~
30 ~~residential home in a multi-family zone. The one thousand two hundred foot distance~~
31 ~~requirement shall be measured by following a straight line from the nearest portion of the~~
32 ~~structure of the proposed use to the nearest portion of the structure of the existing use;~~
33 ~~c. That the community residential home conform to existing zoning regulations applicable~~
34 ~~to other multiple family uses permitted by this section;~~
35 ~~d. That the sponsoring agency of the community residential home notify the Administrative~~
36 ~~Official in writing of its intention to establish said facility. Such notice shall contain the~~
37 ~~address and legal description of the site, the number of resident clients, as well as a~~
38 ~~statement from the State of Florida Department of Health and Rehabilitative Services~~
39 ~~indicating the need for and licensing status of the proposed facility. Absence of this~~
40 ~~notification and statement shall prohibit the use and occupancy of any structure for use as~~
41 ~~a community residential home; and~~
42 ~~e. Nothing in this section shall permit persons to occupy a community residential home who~~
43 ~~would constitute a direct threat to the health and safety of other persons or whose~~
44 ~~residency would result in substantial physical damage to the property of others.~~

45
46 **B. Conditional Uses.**

1
2 21. Congregate living facilities, foster homes, group homes not otherwise meeting the definition
3 of community residential home, nursing homes, religious institutions, small scale public
4 facilities and utilities.

5
6 32. Educational and Child Care Facilities, Non-Public as ~~per Division XX~~ provided in this Code.

7
8
9 **C. Accessory uses**

10
11 The accessory uses in the RM-13 district are those uses customarily associated with multi-family
12 residential buildings and are for use of the residents only such as, but not limited to, decks,
13 swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage
14 structures, non-commercial boat piers or docks etc. Accessory Uses shall be located on the same
15 lot as the main use.

16
17
18 **D. DEVELOPMENT REGULATIONS**

- 19
20 1. Lot Width and Lot Area- The minimum lot width shall be one hundred (100) feet and the
21 minimum lot area shall be 10,000 square feet.
22
23 2. Lot Coverage - The maximum area covered by all buildings shall not exceed thirty (30)
24 percent of the lot.
25
26 3. Setbacks - The setbacks shall be as follows:
27 a. Minimum setback from front property line shall be twenty-five (25) feet.
28 b. Minimum setback from interior side property line shall be twenty (20) feet.
29 c. Minimum setback from side street property line shall be twenty-five (25) feet.
30 d. Minimum setback from a rear property line shall be twenty-five (25) feet.
31 e. Minimum setback between buildings shall be twenty (20) feet, except where doors,
32 windows or other openings in the building wall of a living unit face a wall of the same
33 building and/or a wall of another building with living units on the same site, then there
34 shall be provided a minimum clear distance of not less than thirty (30) feet. Said distance
35 to be measured on a line projected at right angles at the opening to the opposite wall.
36 f. Parking Setbacks:
37 Front: 25' from front property line.
38 Street side: 15' from corner side street property lines.
39 Interior side: 5' from interior side property lines
40 Rear: 5' from rear property lines.
41 g. Accessory buildings:
42 (1) Single-Family, Two-Family, & Townhouses - accessory buildings shall conform to
43 requirements in the respective districts.
44 (2) All other Uses – Accessory buildings shall not be permitted within the front yard or
45 side street setback areas. Otherwise the location, setbacks, lot coverage, height, size
46 etc. shall be determined through the site plan review process.

- 1
- 2 4. Height - No building or structure or part thereof shall be erected or altered to a height
- 3 exceeding two (2) stories and shall not exceed thirty-five (35) feet.
- 4
- 5 5. Floor Area Ratio - The floor area ratio shall not exceed 0.5.
- 6
- 7 6. Density - The maximum number of dwelling units shall be determined on the basis of a total
- 8 of thirteen (13) dwelling units per net acre.
- 9
- 10 7. Minimum Apartment Unit Size / Average Apartment Unit Size
- 11 The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment
- 12 unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured
- 13 from the outside of exterior walls to the center line of interior partitions. Non-airconditioned
- 14 spaces such as balconies shall not be counted towards the required minimum unit size.
- 15
- 16 8. Open Space - On each lot there shall be provided landscaped open space equal to a minimum
- 17 of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any
- 18 structure or off-street parking or drive aisles, and shall be landscaped and well maintained
- 19 with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water
- 20 bodies provided said water bodies do not count for more than twenty (20) percent of the open
- 21 space requirement.
- 22
- 23 9. Landscaping. Landscaping and trees shall be provided in accordance with ~~Division 7~~Chapter
- 24 18A, Landscape Ordinance, of this Code.
- 25

26

27 **E. Site Plan Review.**

28

29 All new construction or substantial remodeling shall comply with the site plan review criteria
30 and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In
31 addition to the site plan review criteria specified in Division 3.4 of the Code the following design
32 criteria shall be utilized in the site plan review process:

- 33
- 34 1. **Purpose and intent:** The proposed development fulfills the objectives of this article.
- 35
- 36 2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by
- 37 minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements,
- 38 enhance architectural features, relate structure design to site, visually screen noncompatible
- 39 uses and block noise generated by the major roadways and intense use areas.
- 40
- 41 3. **Buffers:** Buffering elements in the form of architectural design and landscape design that
- 42 provide a logical transition to adjoining existing or permitted uses shall be provided.
- 43
- 44 4. **Scale:** Scale of proposed structures shall be compatible with surrounding proposed or
- 45 existing uses or shall be made compatible by the use of buffering elements.
- 46

- 1 **5. Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and
2 all circulation systems shall adequately serve the needs of the development and be
3 compatible and functional with circulation systems outside the development.
4
- 5 **6. Energy consideration:** Site design methods to reduce energy consumption shall be
6 encouraged. Every site conservation method may include siting of structures in relation to
7 prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
8
- 9 **7. Parking areas:** Building wall extensions, planting, berms or other innovative methods shall
10 be used as a means of minimizing the adverse effect of the visual impact of parking areas.
11 This requirement is in addition to the requirements of the landscape regulations of the Town
12 of Miami Lakes Code.
13
- 14 **8. Open spaces:** Open space shall relate to any natural characteristics in such a way as to
15 preserve and enhance their scenic and functional qualities to the fullest extent possible.
16
- 17 **9. Graphics:** Graphics, as required, shall be designated as an integral part of the overall design
18 of the project.
19
- 20 **10. Art display:** Permanent interior and exterior art displays and water features should be
21 encouraged in the overall design of the project.
22
- 23 **11. Visual screening for decorative walls:** In an effort to prevent graffiti and vandalism, the
24 following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
25
- 26 (a) *Wall with landscaping.* All concrete block stucco walls abutting right of ways shall be
27 treated with anti-graffiti paint. The wall shall be setback two and one-half (2 1/2) feet
28 from the right-of-way line and the resulting setback area shall contain a continuous
29 extensively landscaped buffer which must be maintained in a good healthy condition by
30 the property owner, or where applicable, by the condominium, homeowners or similar
31 association. Perimeter walls surrounding subdivisions shall be painted one consistent
32 color scheme to be determined by the homeowners association and the Town. The
33 landscape buffer shall contain one (1) or more of the following planting materials:
34
- 35 (1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured
36 immediately after planting and shall be planted and maintained to form a continuous,
37 unbroken, solid, visual screen within one (1) year after time of planting.
38
- 39 (2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured
40 immediately after planting and shall be planted and maintained to form a continuous,
41 unbroken, solid, visual screen within one (1) year after time of planting.
42
- 43 (3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height
44 immediately after planting.
45
- 46 (b) *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-

1 way is constructed in lieu of a decorative wall, landscaping shall not be required.

2

3 **12. *Bikeways and bicycle parking facilities.*** Where feasible all new and substantially
4 redeveloped multi-family developments shall provide bikeways and on-site bicycle parking
5 facilities.

1
2 **DIVISION 4.5. RM-23 LOW MEDIUM DENSITY RESIDENTIAL DISTRICT (RU-4L)**
3

4 **A. Permitted Uses.**
5

6 No land, body of water or structure shall be used, or permitted to be used and no structure shall
7 be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for
8 any purpose in a RM-23 District which is designed, arranged or intended to be used or occupied
9 for any purpose, except for one (1) of the following uses:
10

- 11 1. Those uses permitted in the RU-1, RU-1A, RU-1B, RU-2 and RU-TH Districts subject
12 only to the requirements, limitations and restrictions applicable therefore in said districts,
13 including but not limited to, lot width, accessory uses, area, yard areas, height, density
14 and lot coverage.
15
16 2. Multiple family apartment
17

18 ~~**B. Conditional Uses**~~
19

20 ~~13. A Community residential home as defined in Division XX may be permitted upon~~
21 ~~satisfaction of the provisions of the Conditional Use procedures in Division 3.3 of this code~~
22 ~~in addition subject to the requirements of Florida Statutes § 419.001 as amended from time to~~
23 ~~time:~~
24

24 ~~the following requirements:~~
25

- 26 ~~a. That the operation of the community residential home be licensed by the State of Florida~~
27 ~~Department of Health and Rehabilitative Services;~~
28
29 ~~b. That the community residential home not be located within a radius of one thousand two~~
30 ~~hundred (1,200) feet of another existing, unabandoned legally established community~~
31 ~~residential home in a multi family zone. The one thousand two hundred foot distance~~
32 ~~requirement shall be measured by following a straight line from the nearest portion of the~~
33 ~~structure of the proposed use to the nearest portion of the structure of the existing use;~~
34
35 ~~c. That the community residential home conform to existing zoning regulations applicable~~
36 ~~to other multiple family uses permitted by this section;~~
37
38 ~~d. That the sponsoring agency of the community residential home notify the Administrative~~
39 ~~Official in writing of its intention to establish said facility. Such notice shall contain the~~
40 ~~address and legal description of the site, the number of resident clients, as well as a~~
41 ~~statement from the State of Florida Department of Health and Rehabilitative Services~~
42 ~~indicating the need for and licensing status of the proposed facility. Absence of this~~
43 ~~notification and statement shall prohibit the use and occupancy of any structure for use as~~
44 ~~a community residential home; and~~
45
46 ~~e. Nothing in this section shall permit persons to occupy a community residential home who~~

1 | would constitute a direct threat to the health and safety of other persons or whose
2 | residency would result in substantial physical damage to the property of others.
3 |

4 | **B. Conditional Uses.**
5 |

6 | 21. Congregate living facilities, foster homes, group homes, not otherwise meeting the definition
7 | of community residential home nursing homes, religious institutions, small scale public
8 | facilities and utilities.
9 |

10 | 32. Educational and Child Care Facilities, Non-Public as ~~per Division XX~~ provided in this Code.
11 |
12 |

13 | **C. Accessory uses**
14 |

15 | The accessory uses in the RM-23 district are those uses customarily associated with multi-family
16 | residential buildings and are for use of the residents only such as, but not limited to, decks,
17 | swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage
18 | structures, non-commercial boat piers or docks etc. Accessory Uses shall be located on the same
19 | lot as the main use.
20 |

21 | In addition, the following accessory uses are permitted:
22 |

- 23 | 1. Convenience retail facilities: Not more than one (1) food and drug convenience retail service
24 | facility shall be permitted as an accessory use to an apartment use or apartment development,
25 | said facility not to exceed one thousand (1,000) square feet in a development having a
26 | minimum of three hundred (300) apartment units, provided that:
27 | a. Such services relate to the needs of the inhabitants of the proposed complex;
28 | b. Such services are not provided direct access from public roads;
29 | c. Such services are not visible from public roads;
30 | d. Detached signs and signs visible from public roads are not used;
31 | e. Such services are designed as an integral part of the total design as determined by site
32 | plan review;
33 | f. Such services are located in the principal structure or in a community service center
34 | structure.
35 |

36 | An additional one (1) square foot of retail area shall be permitted for each apartment unit
37 | above three hundred (300) units; provided, however, that the maximum square footage for
38 | such facilities shall not exceed three thousand (3,000) square feet.
39 |
40 |

41 | **D. Development Regulations**
42 |

- 43 | 1. Lot Width and Lot Area- The minimum lot width shall be one hundred (100) feet and the
44 | minimum lot area shall be ten thousand (10,000) square feet.
45 |
46 | 2. Lot Coverage - The maximum area covered by all buildings shall not exceed thirty (30)

1 percent of the lot.

2
3 3. Setbacks - The setbacks shall be as follows:

- 4
5 a. Minimum setback from front property line shall be twenty-five (25) feet.
6 b. Minimum setback from interior side property line shall be twenty (20) feet.
7 c. Minimum setback from side street property line shall be twenty-five (25) feet.
8 d. Minimum setback from a rear property line shall be twenty-five (25) feet.
9 e. Minimum setback between buildings shall be twenty (20) feet, except where doors,
10 windows or other openings in the building wall of a living unit face a wall of the same
11 building and/or a wall of another building with living units on the same site, then there
12 shall be provided a minimum clear distance of not less than thirty (30) feet. Said distance
13 to be measured on a line projected at right angles at the opening to the opposite wall.
14 f. Parking Setbacks:
15 Front: 25' from front property line.
16 Street side: 15' from corner side street property lines.
17 Interior side: 5' from interior side property lines
18 Rear: 5' from rear property lines.
19 g. Accessory buildings:
20 (1) Single-Family, Two-Family, & Townhouses - accessory buildings shall conform to
21 requirements in the respective districts.
22 (2) All other Uses – Accessory buildings shall not be permitted within the front yard or
23 side street setback areas. Otherwise the location, setbacks, lot coverage, height, size
24 etc. shall be determined through the site plan review process.

25
26 4. Height-. No building or structure, or part thereof shall be erected or altered to a height
27 exceeding four (4) stories, and shall not exceed fifty (50) feet.
28

29 5. Floor area ratio - The floor area ratio shall not exceed 0.8.
30

31 6. Density - The maximum number of dwelling units shall be determined on the basis of a total
32 of twenty-three (23) dwelling units per net acre.
33

34 7. Minimum Apartment Unit Size / Average Apartment Unit Size

35 The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment
36 unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured
37 from the outside of exterior walls to the center line of interior partitions. Non-airconditioned
38 spaces such as balconies shall not be counted towards the required minimum unit size.
39

40 8. Open Space - On each lot there shall be provided landscaped open space equal to a minimum
41 of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any
42 structure or off-street parking or drive aisles, and shall be landscaped and well maintained
43 with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water
44 bodies provided said water bodies do not count for more than twenty (20) percent of the open
45 space requirement.
46

1 | 9. Landscaping - Landscaping and trees shall be provided in accordance with ~~Division 7~~
2 | Chapter 18A, Landscape Ordinance, of this Code.

3
4
5 **E. Site Plan Review.**
6

7 All new construction or substantial remodeling shall comply with the site plan review criteria
8 and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In
9 addition to the site plan review criteria specified in Division 3.4 of the Code the following design
10 criteria shall be utilized in the site plan review process:

- 11
12 1. **Purpose and intent:** The proposed development fulfills the objectives of this article.
- 13
14 2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by
15 minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements,
16 enhance architectural features, relate structure design to site, visually screen noncompatible
17 uses and block noise generated by the major roadways and intense use areas.
- 18
19 3. **Buffers:** Buffering elements in the form of architectural design and landscape design that
20 provide a logical transition to adjoining existing or permitted uses shall be provided.
- 21
22 4. **Scale:** Scale of proposed structures shall be compatible with surrounding proposed or
23 existing uses or shall be made compatible by the use of buffering elements.
- 24
25 5. **Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and
26 all circulation systems shall adequately serve the needs of the development and be
27 compatible and functional with circulation systems outside the development.
- 28
29 6. **Energy consideration:** Site design methods to reduce energy consumption shall be
30 encouraged. Every site conservation method may include siting of structures in relation to
31 prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
- 32
33 7. **Parking areas:** Building wall extensions, planting, berms or other innovative methods shall
34 be used as a means of minimizing the adverse effect of the visual impact of parking areas.
35 This requirement is in addition to the requirements of the landscape regulations of the Town
36 of Miami Lakes Code.
- 37
38 8. **Open spaces:** Open space shall relate to any natural characteristics in such a way as to
39 preserve and enhance their scenic and functional qualities to the fullest extent possible.
- 40
41 9. **Graphics:** Graphics, as required, shall be designated as an integral part of the overall design
42 of the project.
- 43
44 10. **Art display:** Permanent interior and exterior art displays and water features should be
45 encouraged in the overall design of the project.
- 46

1 **11. *Visual screening for decorative walls:*** In an effort to prevent graffiti and vandalism, the
2 following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
3

4 (a) *Wall with landscaping.* All concrete block stucco walls abutting right of ways shall be
5 treated with anti-graffiti paint. The wall shall be setback two and one-half (2 1/2) feet
6 from the right-of-way line and the resulting setback area shall contain a continuous
7 extensively landscaped buffer which must be maintained in a good healthy condition by
8 the property owner, or where applicable, by the condominium, homeowners or similar
9 association. Perimeter walls surrounding subdivisions shall be painted one consistent
10 color scheme to be determined by the homeowners association and the Town. The
11 landscape buffer shall contain one (1) or more of the following planting materials:
12

13 (1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured
14 immediately after planting and shall be planted and maintained to form a continuous,
15 unbroken, solid, visual screen within one (1) year after time of planting.
16

17 (2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured
18 immediately after planting and shall be planted and maintained to form a continuous,
19 unbroken, solid, visual screen within one (1) year after time of planting.
20

21 (3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height
22 immediately after planting.
23

24 (b) *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-
25 way is constructed in lieu of a decorative wall, landscaping shall not be required.
26

27 **12. *Bikeways and bicycle parking facilities.*** Where feasible all new and substantially
28 redeveloped multi-family developments shall provide bikeways and on-site bicycle parking
29 facilities.
30
31

1 **DIVISION 4.6. RM-36 MEDIUM DENSITY RESIDENTIAL DISTRICT (RU-4M)**
2
3

4 **A. Permitted Uses.**
5

6 No land, body of water or structure shall be used, or permitted to be used and no structures shall
7 be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for
8 any purpose in a RM-36 District which is designed, arranged or intended to be used or occupied
9 for any purpose, except for one (1) of the following uses:
10

- 11 1. Those uses permitted in the RU-1, RU-1A, RU-1B, RU-2 and RU-TH Districts subject only
12 to the requirements, limitations and restrictions applicable therefore in said districts,
13 including but not limited to, lot width, accessory uses, area, yard areas, height, density and
14 lot coverage.
15
- 16 2. Multiple family apartment buildings
17
18

19 **~~B. Conditional Uses~~**
20

21 ~~13. A Community residential home as defined in Division XX may be permitted upon~~
22 ~~satisfaction of the provisions of the Conditional Use procedures in Division 3.3 of this code~~
23 ~~in addition subject to the requirements of Florida Statutes § 419.001 as amended from time to~~
24 ~~time;~~
25

26 ~~the following requirements:~~

- 27 ~~a. That the operation of the community residential home be licensed by the State of Florida~~
28 ~~Department of Health and Rehabilitative Services;~~
29
- 30 ~~b. That the community residential home not be located within a radius of one thousand two~~
31 ~~hundred (1,200) feet of another existing, unabandoned legally established community~~
32 ~~residential home in a multi family zone. The one thousand two hundred foot distance~~
33 ~~requirement shall be measured by following a straight line from the nearest portion of the~~
34 ~~structure of the proposed use to the nearest portion of the structure of the existing use;~~
35
- 36 ~~c. That the community residential home conform to existing zoning regulations applicable~~
37 ~~to other multiple family uses permitted by this section;~~
38
- 39 ~~d. That the sponsoring agency of the community residential home notify the Administrative~~
40 ~~Official in writing of its intention to establish said facility. Such notice shall contain the~~
41 ~~address and legal description of the site, the number of resident clients, as well as a~~
42 ~~statement from the State of Florida Department of Health and Rehabilitative Services~~
43 ~~indicating the need for and licensing status of the proposed facility. Absence of this~~
44 ~~notification and statement shall prohibit the use and occupancy of any structure for use as~~
45 ~~a community residential home; and~~
46

1 | e. ~~Nothing in this section shall permit persons to occupy a community residential home who~~
2 | ~~would constitute a direct threat to the health and safety of other persons or whose~~
3 | ~~residency would result in substantial physical damage to the property of others.~~
4 |

5 | **B. Conditional Uses**
6 |

7 | 21. Congregate living facilities, foster homes, group homes, not otherwise meeting the definition
8 | of community residential home nursing homes, religious institutions, small scale public
9 | facilities and utilities.

10 |
11 | 32. Educational and Child Care Facilities, Non-Public as ~~per Division XX~~ provided in this Code.
12 |
13 |

14 | **C. Accessory uses**
15 |

16 | The accessory uses in the RM-36 district are those uses customarily associated with multi-family
17 | residential buildings and are for use of the residents only such as, but not limited to, decks,
18 | swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage
19 | structures, non-commercial boat piers or docks etc. Accessory Uses shall be located on the same
20 | lot as the main use.
21 |

22 | In addition, the following accessory uses are permitted:
23 |

- 24 | 1. Convenience retail facilities: Not more than one (1) food and drug convenience retail service
25 | facility shall be permitted as an accessory use to an apartment use or apartment development,
26 | said facility not to exceed one thousand (1,000) square feet in a development having a
27 | minimum of three hundred (300) apartment units, provided that:
28 | a. Such services relate to the needs of the inhabitants of the proposed complex;
29 | b. Such services are not provided direct access from public roads;
30 | c. Such services are not visible from public roads;
31 | d. Detached signs and signs visible from public roads are not used;
32 | e. Such services are designed as an integral part of the total design as determined by site
33 | plan review;
34 | f. Such services are located in the principal structure or in a community service center
35 | structure.
36 |

37 | An additional one (1) square foot of retail area shall be permitted for each apartment unit
38 | above three hundred (300) units; provided, however, that the maximum square footage for
39 | such facilities shall not exceed three thousand (3,000) square feet.
40 |
41 |

42 | **D. Development Regulations**
43 |

- 44 | 1. Lot Width and Lot Area- The minimum lot width shall be one hundred (100) feet and the
45 | minimum lot area shall be ten thousand (10,000) square feet.
46 |

- 1 2. Lot Coverage - The maximum area covered by all buildings shall not exceed thirty (30)
2 percent of the lot.
3
- 4 3. Setbacks - The setbacks shall be as follows:
5
 - 6 a. Minimum setback from front property line shall be twenty-five (25) feet.
 - 7 b. Minimum setback from interior side property line shall be twenty (20) feet.
 - 8 c. Minimum setback from side street property line shall be twenty-five (25) feet.
 - 9 d. Minimum setback from a rear property line shall be twenty-five (25) feet.
 - 10 e. Minimum setback between buildings shall be twenty (20) feet, except where doors,
11 windows or other openings in the building wall of a living unit face a wall of the same
12 building and/or a wall of another building with living units on the same site, then there
13 shall be provided a minimum clear distance of not less than thirty (30) feet. Said distance
14 to be measured on a line projected at right angles at the opening to the opposite wall.
 - 15 f. Parking Setbacks:
16 Front: 25' from front property line.
17 Street side: 15' from corner side street property lines.
18 Interior side: 5' from interior side property lines
19 Rear: 5' from rear property lines.
 - 20 g. Accessory buildings:
21 (1) Single-Family, Two-Family, & Townhouses - accessory buildings shall conform to
22 requirements in the respective districts.
23 (2) All other Uses – Accessory buildings shall not be permitted within the front yard or
24 side street setback areas. Otherwise the location, setbacks, lot coverage, height, size
25 etc. shall be determined through the site plan review process.
26
27
- 28 4. Height-. No building or structure, or part thereof shall be erected or altered to a height
29 exceeding six (6) stories, and shall not exceed seventy-five (75) feet.
30
- 31 5. Floor area ratio - The floor area ratio shall not exceed 0.9.
32
- 33 6. Density - The maximum number of dwelling units shall be determined on the basis of a total
34 of thirty-six (36) dwelling units per net acre.
35
- 36 7. Minimum Apartment Unit Size / Average Apartment Unit Size
37 The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment
38 unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured
39 from the outside of exterior walls to the center line of interior partitions. Non-airconditioned
40 spaces such as balconies shall not be counted towards the required minimum unit size.
41
- 42 8. Open Space - On each lot there shall be provided landscaped open space equal to a minimum
43 of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any
44 structure or off-street parking or drive aisles, and shall be landscaped and well maintained
45 with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water
46 bodies provided said water bodies do not count for more than twenty (20) percent of the open

1 space requirement.

- 2
3 9. Landscaping - Landscaping and trees shall be provided in accordance with ~~Division 7~~
4 Chapter 18A, Landscape Ordinance, of this Code.

5
6
7 **E. Site Plan Review.**

8
9 All new construction or substantial remodeling shall comply with the site plan review criteria
10 and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In
11 addition to the site plan review criteria specified in Division 3.4 of the Code the following design
12 criteria shall be utilized in the site plan review process:

- 13
14 1. **Purpose and intent:** The proposed development fulfills the objectives of this article.
15
16 2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by
17 minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements,
18 enhance architectural features, relate structure design to site, visually screen noncompatible
19 uses and block noise generated by the major roadways and intense use areas.
20
21 3. **Buffers:** Buffering elements in the form of architectural design and landscape design that
22 provide a logical transition to adjoining existing or permitted uses shall be provided.
23
24 4. **Scale:** Scale of proposed structures shall be compatible with surrounding proposed or
25 existing uses or shall be made compatible by the use of buffering elements.
26
27 5. **Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and
28 all circulation systems shall adequately serve the needs of the development and be
29 compatible and functional with circulation systems outside the development.
30
31 6. **Energy consideration:** Site design methods to reduce energy consumption shall be
32 encouraged. Every site conservation method may include siting of structures in relation to
33 prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
34
35 7. **Parking areas:** Building wall extensions, planting, berms or other innovative methods shall
36 be used as a means of minimizing the adverse effect of the visual impact of parking areas.
37 This requirement is in addition to the requirements of the landscape regulations of the Town
38 of Miami Lakes Code.
39
40 8. **Open spaces:** Open space shall relate to any natural characteristics in such a way as to
41 preserve and enhance their scenic and functional qualities to the fullest extent possible.
42
43 9. **Graphics:** Graphics, as required, shall be designated as an integral part of the overall design
44 of the project.
45
46 10. **Art display:** Permanent interior and exterior art displays and water features should be

1 encouraged in the overall design of the project.
2

3 **11. *Visual screening for decorative walls:*** In an effort to prevent graffiti and vandalism, the
4 following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
5

6 (a) *Wall with landscaping.* All concrete block stucco walls abutting right of ways shall be
7 treated with anti-graffiti paint. The wall shall be setback two and one-half (2 1/2) feet
8 from the right-of-way line and the resulting setback area shall contain a continuous
9 extensively landscaped buffer which must be maintained in a good healthy condition by
10 the property owner, or where applicable, by the condominium, homeowners or similar
11 association. Perimeter walls surrounding subdivisions shall be painted one consistent
12 color scheme to be determined by the homeowners association and the Town. The
13 landscape buffer shall contain one (1) or more of the following planting materials:
14

15 (1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured
16 immediately after planting and shall be planted and maintained to form a continuous,
17 unbroken, solid, visual screen within one (1) year after time of planting.
18

19 (2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured
20 immediately after planting and shall be planted and maintained to form a continuous,
21 unbroken, solid, visual screen within one (1) year after time of planting.
22

23 (3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height
24 immediately after planting.
25

26 (b) *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-
27 way is constructed in lieu of a decorative wall, landscaping shall not be required.
28

29 **12. *Bikeways and bicycle parking facilities.*** Where feasible all new and substantially
30 redeveloped multi-family developments shall provide bikeways and on-site bicycle parking
31 facilities.
32
33

1 **DIVISION 4.7 RM-50 HIGH DENSITY RESIDENTIAL DISTRICT (RU-4)**

2
3 **A. Permitted Uses.**

4
5 No land, body of water or structure shall be used, or permitted to be used and no structure shall
6 be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for
7 any purpose in an RM-50 High Density Residential District, which is designed, arranged or
8 intended to be used or occupied for any purpose, except for one (1) of the following uses:
9

- 10 1. Those uses permitted in the RU-1, RU-1A, RU-1B, RU-2 and RU-TH Districts subject only
11 to the requirements, limitations and restrictions applicable therefore in said districts,
12 including but not limited to, lot width, accessory uses, area, yard areas, height, density and
13 lot coverage.
14
15 2. Multiple family apartment building
16
17

18 **~~B. Conditional Uses~~**

19
20 ~~13. A Community residential home as defined in Division XX may be permitted upon~~
21 ~~satisfaction of the provisions of the Conditional Use procedures in Division 3.3 of this code~~
22 ~~in addition subject to the following requirements of Florida Statutes 419.001 as amended~~
23 ~~from time to time:~~
24

- 25 ~~a. That the operation of the community residential home be licensed by the State of Florida~~
26 ~~Department of Health and Rehabilitative Services;~~
27
28 ~~b. That the community residential home not be located within a radius of one thousand two~~
29 ~~hundred (1,200) feet of another existing, unabandoned legally established community~~
30 ~~residential home in a multi-family zone. The one thousand two hundred foot distance~~
31 ~~requirement shall be measured by following a straight line from the nearest portion of the~~
32 ~~structure of the proposed use to the nearest portion of the structure of the existing use;~~
33
34 ~~c. That the community residential home conform to existing zoning regulations applicable~~
35 ~~to other multiple family uses permitted by this section;~~
36
37 ~~d. That the sponsoring agency of the community residential home notify the Administrative~~
38 ~~Official in writing of its intention to establish said facility. Such notice shall contain the~~
39 ~~address and legal description of the site, the number of resident clients, as well as a~~
40 ~~statement from the State of Florida Department of Health and Rehabilitative Services~~
41 ~~indicating the need for and licensing status of the proposed facility. Absence of this~~
42 ~~notification and statement shall prohibit the use and occupancy of any structure for use as~~
43 ~~a community residential home; and~~
44
45 ~~e. Nothing in this section shall permit persons to occupy a community residential home who~~
46 ~~would constitute a direct threat to the health and safety of other persons or whose~~

1 | residency would result in substantial physical damage to the property of others.
2

3 | **B. Conditional Uses**
4

5 | 21. Congregate living facilities, foster homes, group homes, not otherwise meeting the definition
6 | of community residential home nursing homes, religious institutions, small scale public
7 | facilities and utilities.
8

9 | 32. Educational and Child Care Facilities, Non-Public as per ~~Division XX~~ the provisions of this
10 | Code.
11

12
13 | **C. Accessory uses**
14

15 | The accessory uses in the RM-36 district are those uses customarily associated with multi-family
16 | residential buildings and are for use of the residents only such as, but not limited to, decks,
17 | swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage
18 | structures, non-commercial boat piers or docks etc. Accessory Uses shall be located on the same
19 | lot as the main use.
20

21 | In addition the following accessory uses are permitted:
22

- 23 | 1. Convenience retail facilities: Not more than one (1) food and drug convenience retail service
24 | facility shall be permitted as an accessory use to an apartment use or apartment development,
25 | said facility not to exceed one thousand (1,000) square feet in a development having a
26 | minimum of three hundred (300) apartment units, provided that:
27 | a. Such services relate to the needs of the inhabitants of the proposed complex;
28 | b. Such services are not provided direct access from public roads;
29 | c. Such services are not visible from public roads;
30 | d. Detached signs and signs visible from public roads are not used;
31 | e. Such services are designed as an integral part of the total design as determined by site
32 | plan review;
33 | f. Such services are located in the principal structure or in a community service center
34 | structure.
35

36 | An additional one (1) square foot of retail area shall be permitted for each apartment unit
37 | above three hundred (300) units; provided, however, that the maximum square footage for
38 | such facilities shall not exceed three thousand (3,000) square feet.
39

40
41 | **D. Development Regulations**
42

43 | 1. Lot Width and Lot Area - The minimum lot width shall be one hundred (100) feet and the
44 | minimum lot area shall be ten thousand (10,000) square feet.
45

46 | 2. Lot Coverage - The lot coverage for all buildings on the site shall not exceed forty (40)

1 percent of the total lot area.

2
3 3. Setbacks The setbacks shall be as follows:

- 4
5 a. Front setback. For structures not exceeding thirty-five (35) feet in height, the minimum
6 setback shall be twenty-five (25) feet; for structures over thirty-five (35) feet in height the
7 setbacks shall be increased by forty (40) percent of the additional height provided above
8 35’.
- 9 b. Rear setback. For structures not exceeding thirty-five (35) feet in height, the minimum
10 setback shall be twenty-five (25) feet; for structures over thirty-five (35) feet in height the
11 setbacks shall be increased by forty (40) percent of the additional height.
- 12 c. Interior side setbacks and side street setbacks. Minimum setbacks for all structures shall
13 be twenty-five (25) feet to the interior side property line(s) or side street property line.
- 14 d. Minimum setback between buildings shall be twenty (20) feet except where doors,
15 windows or other openings in the building wall of a living unit face a wall of the same
16 building and/or a wall of another building with living units on the same site. In that case
17 there shall be provided a minimum clear distance of not less than thirty (30) feet, said
18 distance to be measured on a line projected at right angles from the opening to the
19 opposite wall.
- 20 e. Parking Setbacks:
21 Front: 25’ from front property line.
22 Street side: 15’ from corner side street property lines.
23 Interior side: 5’ from interior side property lines
24 Rear: 5’ from rear property lines.
- 25 f. Accessory buildings:
26 (1) Single-Family, Two-Family, & Townhouses - accessory buildings shall conform to
27 requirements in the respective districts.
28 (2) All other Uses – Accessory buildings shall not be permitted within the front yard or
29 side street setback areas. Otherwise the location, setbacks, lot coverage, height, size
30 etc. shall be determined through the site plan review process.

31
32
33 4. Height. The maximum height shall be six (6) stories and seventy-five (75) feet.

34
35 5. Floor area ratio

36
37 The floor area ratio shall not exceed 1.40. Required parking spaces and associated drives in a
38 parking structure shall not count as a part of the floor area, but shall be counted in computing
39 building height. In an accessory parking garage which provides additional parking spaces than
40 what is required for a proposed development, the floor area of the garage which contains the
41 parking spaces and driveways above 120% of the parking requirement shall be included in the
42 Floor Area calculations.

43
44 6. Density - The maximum number of dwelling units shall not exceed a density of fifty (50)
45 dwelling units per net acre.

- 1 7. Minimum Apartment Unit Size / Average Apartment Unit Size
2 The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment
3 unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured
4 from the outside of exterior walls to the center line of interior partitions. Non-airconditioned
5 spaces such as balconies shall not be counted towards the required minimum unit size.
6
- 7 8. Open space - On each lot there shall be provided landscaped open space equal to a minimum
8 of thirty (30) percent of the total lot area. Said open space shall be unencumbered with any
9 structure or off-street parking or drive aisles, and shall be landscaped and well maintained
10 with grass, trees and shrubbery, excepting only areas used as pedestrian walks and water
11 bodies provided said water bodies do not count for more than twenty (20) percent of the open
12 space requirement.
13
- 14 9. Landscaping - Landscaping and trees shall be provided in accordance with ~~Division 7~~
15 Chapter 18A, Landscape Ordinance, of this Code.
16

17 **E. Site Plan Review**

18 All new construction or substantial remodeling shall comply with the site plan review criteria
19 and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In
20 addition to the site plan review criteria specified in Division 3.4 of the Code the following design
21 criteria shall be utilized in the site plan review process:
22

- 23 1. **Purpose and intent:** The proposed development fulfills the objectives of this article.
24
- 25 2. **Landscape:** Landscape shall be preserved in its natural state insofar as is practicable by
26 minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements,
27 enhance architectural features, relate structure design to site, visually screen noncompatible
28 uses and block noise generated by the major roadways and intense use areas.
29
- 30 3. **Buffers:** Buffering elements in the form of architectural design and landscape design that
31 provide a logical transition to adjoining existing or permitted uses shall be provided.
32
- 33 4. **Scale:** Scale of proposed structures shall be compatible with surrounding proposed or
34 existing uses or shall be made compatible by the use of buffering elements.
35
- 36 5. **Circulation:** Pedestrian and auto circulation shall be separated insofar as is practicable, and
37 all circulation systems shall adequately serve the needs of the development and be
38 compatible and functional with circulation systems outside the development.
39
- 40 6. **Energy consideration:** Site design methods to reduce energy consumption shall be
41 encouraged. Every site conservation method may include siting of structures in relation to
42 prevailing breezes and sun angles and use of landscape materials for shade and transpiration.
43
- 44 7. **Parking areas:** Building wall extensions, planting, berms or other innovative methods shall
45
46

1 be used as a means of minimizing the adverse effect of the visual impact of parking areas.
2 This requirement is in addition to the requirements of the landscape regulations of the Town
3 of Miami Lakes Code.

4
5 **8. *Open spaces:*** Open space shall relate to any natural characteristics in such a way as to
6 preserve and enhance their scenic and functional qualities to the fullest extent possible.

7
8 **9. *Graphics:*** Graphics, as required, shall be designated as an integral part of the overall design
9 of the project.

10
11 **10. *Art display:*** Permanent interior and exterior art displays and water features should be
12 encouraged in the overall design of the project.

13
14 **11. *Visual screening for decorative walls:*** In an effort to prevent graffiti and vandalism, the
15 following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

16
17 (a) *Wall with landscaping.* All concrete block stucco walls abutting right of ways shall be
18 treated with anti-graffiti paint. The wall shall be setback two and one-half (2 1/2) feet
19 from the right-of-way line and the resulting setback area shall contain a continuous
20 extensively landscaped buffer which must be maintained in a good healthy condition by
21 the property owner, or where applicable, by the condominium, homeowners or similar
22 association. Perimeter walls surrounding subdivisions shall be painted one consistent
23 color scheme to be determined by the homeowners association and the Town. The
24 landscape buffer shall contain one (1) or more of the following planting materials:

25
26 (1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured
27 immediately after planting and shall be planted and maintained to form a continuous,
28 unbroken, solid, visual screen within one (1) year after time of planting.

29
30 (2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured
31 immediately after planting and shall be planted and maintained to form a continuous,
32 unbroken, solid, visual screen within one (1) year after time of planting.

33
34 (3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height
35 immediately after planting.

36
37 (b) *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-
38 way is constructed in lieu of a decorative wall, landscaping shall not be required.

39
40 **12. *Bikeways and bicycle parking facilities.*** Where feasible all new and substantially
41 redeveloped multi-family developments shall provide bikeways and on-site bicycle parking
42 facilities.
43

1 **DIVISION 4.8 RO-13 LOW DENSITY RESIDENTIAL / OFFICE DISTRICT (RU-5A)**
2
3

4 **A. Permitted Uses**
5

6 No land, body of water or structure shall be used, or permitted to be used, and no structure shall
7 be hereafter erected, constructed, reconstructed, moved or structurally altered or maintained for
8 any purpose in an RO-13 District which is designed, arranged, or intended to be used or occupied
9 for any purpose, except for the following uses. All other uses, including retail uses are hereby
10 prohibited.

- 11
- 12 1. Those uses permitted in the RU-1, RU-1A, RU-1B, RU-2, and RU-TH Districts subject only
13 to the requirements, limitations and restrictions applicable therefore in said districts,
14 including but not limited to, lot width, accessory uses, area, yard areas, height, density and
15 lot coverage.
 - 16
 - 17 2. Multiple family apartment buildings
 - 18
 - 19 3. Hotels, motels, and apartment hotels.
 - 20
 - 21 4. Offices; where such offices are accessed from a common entrance to the building and from
22 interior hallways. Office buildings shall not have individual storefronts facing the exterior of
23 the building.
 - 24
 - 25 5. Mixed Use Buildings; Buildings may contain apartment units, hotel units and offices.
26 However, residential units shall not be located on any floor that contains office uses.
 - 27
 - 28 6. A community residential facility subject to the requirements of Florida Statutes 419.001 as
29 amended from time to time;
 - 30

31

32 **B. Conditional Uses**
33

- 34 1. Convalescent homes, eleemosynary and philanthropic institutions.
- 35
- 36 2. Private clubs, lodges, fraternities and sororities, only upon approval after public hearing.
- 37
- 38 3. Public art galleries, public libraries and public museums.
- 39
- 40 ~~4. A community residential facility as defined in Division xx shall be permitted if it complies~~
41 ~~with the following:~~
 - 42
 - 43 (a) ~~That the operation of the community residential home be licensed by the State of Florida~~
44 ~~Department of Health and Rehabilitative Services;~~
 - 45
 - 46 (b) ~~That the community residential home not be located within a radius of one thousand two~~

1 hundred (1,200) feet of another existing, unabandoned legally established community
2 residential home in a multi family zone. The one thousand two hundred foot distance
3 requirement shall be measured by following a straight line from the nearest portion of the
4 structure of the proposed use to the nearest portion of the structure of the existing use;

5
6 (c) That the community residential home conform to existing zoning regulations applicable
7 to other multiple family uses permitted by this section;

8
9 (d) That the sponsoring agency of the community residential home notify the Administrative
10 Official in writing of its intention to establish said facility. Such notice shall contain the
11 address and legal description of the site, the number of resident clients, as well as a
12 statement from the State of Florida Department of Health and Rehabilitative Services
13 indicating the need for and licensing status of the proposed facility. Absence of this
14 notification and statement shall prohibit the use and occupancy of any structure for use as
15 a community residential home; and

16
17 (e) Nothing in this section shall permit persons to occupy a community residential home who
18 would constitute a direct threat to the health and safety of other persons or whose
19 residency would result in substantial physical damage to the property of others.

20
21 54. Congregate living facilities, foster homes, group homes, not otherwise meeting the definition
22 of community residential home nursing homes, religious institutions, small scale public
23 facilities and utilities.

24
25 65. Educational and Child Care Facilities, Non-Public as per Division XX provided in this Code.

26
27
28 **C. Accessory uses.**

29
30 The accessory uses in the RO-13 district are those uses customarily associated with multi-family
31 residential buildings or hotels and for use of the residents or hotel guests only such as, but not
32 limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental
33 features, storage structures, non-commercial boat piers or docks etc. Accessory Uses shall be
34 located on the same lot as the main use. In addition, the following accessory uses are permitted:

- 35
36 1. Business or commercial establishments, restaurants, bars and cabarets open to the public
37 shall be permitted in hotels, motels and apartment hotels provided they are located within the
38 principal building, which contains at least one hundred (100) units, and provided the exterior
39 of any such principal building shall not have store fronts or give the appearance of
40 commercial or mercantile activity as viewed from the highway: in the event the use contains
41 windows which may be seen from the street or highway, said windows shall be of fixed,
42 obscure glass. Such business or commercial establishments and bars in this district shall be
43 entered only through the lobby and no additional entrances shall be permitted, except when
44 the same opens into a courtyard or patio (away from the street side) which is enclosed and
45 which is not visible from the street and, except that a fire door or emergency exit shall be
46 permitted.

1
2 2. Apartment developments having a minimum of three hundred (300) residential units may
3 have accessory convenience uses not exceeding one thousand (1,000) square feet as an
4 accessory use to apartment developments, provided that:

- 5
6 (a) Such services relate to the needs of the inhabitants of the proposed complex;
7 (b) Such services are not provided direct access from public roads;
8 (c) Such services are not visible from public roads;
9 (d) Detached signs and signs visible from public roads are not used;
10 (e) Such services are designed as an integral part of the total design as determined by site
11 plan review; and
12 (f) Said facility is located in the principal structure or in a community service center
13 structure.
14

15 An additional one (1) square foot of retail area shall be permitted for each apartment unit
16 above three hundred (300) units provided, however, that the maximum square footage for
17 such facilities shall not exceed three thousand (3,000) square feet.
18

19 3. Hotels and motels with one hundred fifty (150) or more guest rooms may contain liquor
20 package use on the premises for the accommodation and use of their guests only, provided
21 the establishment housing such use is entered only through the lobby within the building and
22 does not have the appearance of commercial or mercantile activity as viewed from the
23 highway. No advertisement of the use will be permitted which can be seen from the outside
24 of the building. These restrictions shall not apply when the hotel or motel site is in a
25 commercial district and the package store is a permitted use and conforms to all of the
26 requirements of said district.
27

28 4. Hotels and motels with two hundred (200) or more guest rooms or apartment units under one
29 (1) roof may contain a night club on the premises, provided the exterior of any such building
30 shall not have store fronts or give the appearance of commercial or mercantile activity as
31 viewed from the highway. In the event the use contains windows which may be seen from
32 the highway, said windows shall be of fixed obscure glass. Such night club shall be entered
33 only through the lobby, and no additional entrance shall be permitted, except when the same
34 opens into a courtyard or patio (away from street side) which is enclosed and which is not
35 visible from the street and, except that a fire door or exit shall be permitted.
36

37 5. Apartment Hotels must have the minimum number of apartment or hotels units listed above
38 in order to have the respective accessory uses.
39

40 6. Cabanas, provided they are strictly incidental to an apartment hotel, motel or hotel. Cabanas
41 shall not be used for overnight sleeping quarters nor rented or leased to any person other than
42 a guest of the apartment house, apartment hotel, motel or hotel.
43
44

45 **D. Development Regulations**
46

1 **1. Minimum lot width and area.**

2
3 (a) Minimum lot width shall be seventy-five (75) feet.

4
5 (b) Minimum lot area shall be ten thousand (10,000) square feet.

6
7
8 **2. Lot coverage**

9
10 The maximum lot coverage for all structures on the site shall be thirty (30) percent.

11
12 **3. Setbacks**

13
14 a. Minimum setback from front property line shall be twenty-five (25) feet.

15
16 b. Minimum setback from side property line abutting a highway right-of-way shall be
17 fifteen (15) feet.

18
19 c. Minimum setback from interior side property line shall be fifteen (15) feet.

20
21 d. Minimum setback from rear property line shall be twenty-five (25) feet.

22
23 e. Parking Setbacks:

24 Front: 25' from front property line.

25 Street side: 10' from corner side street property lines.

26 Interior side: 5' from interior side property lines

27 Rear: 5' from rear property lines.

28
29 f. Minimum spacing between principal buildings and accessory buildings. Minimum
30 spacing between principal buildings shall be twenty (20) feet to nearest portion of
31 building(s) and for accessory buildings, ten (10) feet.

32
33 g. Other spacing - No building containing a private school, convalescent home,
34 eleemosynary or philanthropic institution shall be located within one hundred (100) feet
35 of any RU-1 or RU-2 Zone or within fifty (50) feet of any property under different
36 ownership.

37
38 h. Accessory buildings:

39 | (1) Single-Family, Two-Family, & Townhouses - accessory buildings shall conform to
40 requirements in the respective districts.

41 (2) All other Uses – Accessory buildings shall not be permitted within the front yard or
42 side street setback areas. Otherwise the location, setbacks, lot coverage, height, size
43 etc. shall be determined through the site plan review process.

44
45
46 **4. Height**

1
2 The maximum height of any structure shall be two (2) stories but not to exceed thirty-five
3 (35) feet above grade.

4
5 **5. Floor Area Ratio**

6
7 The floor area ratio shall not exceed 0.60 providing, however, that structure parking shall not
8 count as part of the floor area, but shall be counted in computing building height. In an
9 accessory parking garage which provides additional parking spaces than what is required for
10 a proposed development, the floor area of the garage which contains the parking spaces and
11 driveways above 120% of the parking requirement shall be included in the Floor Area
12 calculations.

13
14 **6. Density Maximum number of apartment and hotel units.**

15
16 The maximum number of dwelling units in a multiple family housing development or
17 apartment building shall not exceed a density of thirteen (13) dwelling units per acre.
18 Hotels and motels developed for transient residential usage shall not exceed a density of
19 twenty (20) dwelling units per net acre.

20 The maximum number of units in an Apartment Hotel (defined as a building
21 containing a combination of apartment units and hotel units) shall be
22 calculated on a proportional basis. For example, if a proposed building
23 contains 20% apartment units and 80% hotel units, then 20% of the lot area
24 will be calculated at the apartment density of 13 dwelling units per acre and
25 80% of the lot area will be calculated at the hotel density of 20 units per acre.

26
27 **7. Minimum Apartment Unit Size / Average Apartment Unit Size**

28 The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment
29 unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured
30 from the outside of exterior walls to the center line of interior partitions. Non-airconditioned
31 spaces such as balconies shall not be counted towards the required minimum unit size.

32
33 **8. Landscaped Open space.**

34 On each lot there shall be provided landscaped ~~an~~ open space equal to a minimum of thirty
35 (30) percent of the total lot area. Said open space shall be unencumbered with any structure
36 or off-street parking or drive aisles, and shall be landscaped and well maintained with grass,
37 trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided
38 said water bodies do not count for more than twenty (20) percent of the open space
39 requirement.

40
41 **9. Landscape.**

42 Landscaping and trees shall be provided in accordance with ~~Division 7~~ Chapter 18A,
43 Landscape Ordinance, of this Code.

44 All landscaped areas shall be continuously maintained in a good, healthy condition, and
45 sprinkler systems of sufficient size and spacing shall be installed to serve all required
46 landscaped areas, except within trees preservation zones of "natural forest communities" as

1 defined in Section 26B-1, Miami-Dade County Code. Tree preservation zones shall also be
2 maintained in a healthy natural condition free from trash, debris and disturbance of
3 understory vegetation.
4

5 **10. Wall.**

6 A decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other
7 like material that will be compatible with the main structure, five (5) feet in height, shall be
8 erected along all interior property lines including the rear property line; provided, however,
9 in the event that the rear property line abuts a secondary road, said wall shall be set in ten
10 (10) feet from the official right-of-way of the secondary road and said ten-foot strip shall be
11 landscaped; provided further, in the event that the interior side property line abuts RO
12 Residential/Office zoned property or a more liberal zoning district, the requirement for the
13 wall along said common interior property line shall not apply.
14

15 **11. Through lots.**

16 Where the building site is on a through lot, the structure shall front on the principal road, and
17 if there is any question as to which of the two (2) roads is the principal road, the decision of
18 the Administrative Official shall be adhered to.
19

20 **12. Type of buildings permitted.**

21 The principal buildings to be erected shall be without store fronts or display windows and all
22 uses must be entered through a main entrance or lobby to the building.
23

24 **E. Site Plan Review**

25
26 All new construction or substantial remodeling shall comply with the site plan review criteria
27 and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In
28 addition to the site plan review criteria specified in Division 3.4 of the Code the following design
29 criteria shall be utilized in the site plan review process:
30

- 31 1. *Purpose and intent:* The proposed development fulfills the objectives of this article.
32
- 33 2. *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by
34 minimizing tree removal. Landscape shall be used to shade and cool, direct wind
35 movements, enhance architectural features, related structure design to site, visually
36 screen noncompatible uses and block noise generated by the major roadways and intense-
37 use areas.
38
- 39 3. *Buffers:* Buffering elements in the form of architectural design and landscape design that
40 provide a logical transition to adjoining existing or permitted uses shall be provided.
41
- 42 4. *Scale:* Scale of proposed structures shall be compatible with surrounding proposed or
43 existing uses or shall be made compatible by the use of buffering elements.
44
- 45 5. *Circulation:* Pedestrian and auto circulation shall be separated insofar as is practicable,
46 and all circulation systems shall adequately serve the needs of the development and be

1 compatible and functional with circulation systems outside the development.
2

- 3 6. *Energy considerations:* Site design methods to reduce energy consumption shall be
4 encouraged. Energy site conservation methods may include siting of structures in relation
5 to prevailing breezes and sun angles and use of landscape materials for shade and
6 transpiration.
7
- 8 7. *Parking areas:* Building wall extensions, planting, berms or other innovative methods
9 shall be used as a means of minimizing the adverse effect of the visual impact of parking
10 areas. This requirement is in addition to the requirements of the landscape regulations of
11 the Town of Miami Lakes Code.
12
- 13 8. *Open spaces:* Open spaces shall relate to any natural characteristics in such a way as to
14 preserve and enhance their scenic and functional qualities to the fullest extent possible.
15
- 16 9. *Graphics:* Graphics, as required, shall be designed as an integral part of the overall
17 design of the project.
18
- 19 10. *Art display:* Permanent interior and exterior art displays and water features should be
20 encouraged in the overall design of the project.
21
- 22 11. *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the
23 following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
24
- 25 (a) *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet from
26 the right-of-way line and the resulting setback area shall contain a continuous
27 extensively landscaped buffer which must be maintained in a good healthy condition
28 by the property owner, or where applicable, by the condominium, homeowners or
29 similar association. Perimeter walls surrounding subdivisions shall be painted one
30 consistent color scheme to be determined by the homeowners association and the
31 Town. The landscape buffer shall contain one (1) or more of the following planting
32 materials:
33
- 34 (1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured
35 immediately after planting and shall be planted and maintained to form a
36 continuous, unbroken, solid, visual screen within one (1) year after time of
37 planting.
38
- 39 (2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured
40 immediately after planting and shall be planted and maintained to form a
41 continuous, unbroken, solid, visual screen within one (1) year after time of
42 planting.
43
- 44 (3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height
45 immediately after planting.
46

1 (b) *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-
2 way is constructed in lieu of a decorative wall, landscaping shall not be required.

3

4 12. ***Bikeways and bicycle parking facilities.*** Where feasible all new and substantially
5 redeveloped developments shall provide bikeways and on-site bicycle parking facilities.

1 **DIVISION 4.9 RO-50 HIGH DENSITY RESIDENTIAL / OFFICE DISTRICT (RU-4A)**

2
3 **A. Permitted Uses**

4
5 No land, body of water or structure shall be used, or permitted to be used and no structure shall
6 be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for
7 any purpose in an RO-50 District which is designed, arranged, or intended to be used or occupied
8 for any purpose, except for the following uses. All other uses, including retail uses are hereby
9 prohibited.

- 10
11 1. Those uses permitted in the RU-1, RU-1A, RU-1B, RU-2 and RU-TH Districts subject only
12 to the requirements, limitations and restrictions applicable therefore in said districts,
13 including but not limited to, lot width, accessory uses, area, yard areas, height, density and
14 lot coverage.
15
16 2. Multiple family apartment buildings
17
18 3. Hotels, motels, and apartment hotels.
19
20 4. Offices; where such offices are accessed from a common entrance to the building and from
21 interior hallways. Office buildings shall not have individual storefronts facing the exterior of
22 the building.
23
24 5. Mixed Use Buildings; Buildings may contain apartment units, hotel units and offices.
25 However, residential units shall not be located on any floor that contains office uses.
26
27 6. A community residential facility subject to the requirements of Florida Statutes 419.001 as
28 amended from time to time:

29
30 **B. Conditional Uses**

- 31
32 1. Convalescent homes, eleemosynary and philanthropic institutions.
33
34 2. Private clubs, lodges, fraternities and sororities.
35
36 3. Public art galleries, public libraries and public museums.
37
38 4. ~~A community residential facility as defined in Division XX shall be permitted if it complies~~
39 ~~with the following:~~
40
41 ~~— a. That the operation of the community residential home be licensed by the State of Florida~~
42 ~~Department of Health and Rehabilitative Services;~~
43
44 ~~— b. That the community residential home not be located within a radius of one thousand two~~
45 ~~hundred (1,200) feet of another existing, unabandoned legally established community~~
46 ~~residential home in a multi family zone. The one thousand two hundred foot distance~~

1 requirement shall be measured by following a straight line from the nearest portion of the
2 structure of the proposed use to the nearest portion of the structure of the existing use;
3

4 ~~c. That the community residential home conform to existing zoning regulations applicable to
5 other multiple family uses permitted by this section;~~
6

7 ~~d. That the sponsoring agency of the community residential home notify the Administrative
8 Official in writing of its intention to establish said facility. Such notice shall contain the
9 address and legal description of the site, the number of resident clients, as well as a statement
10 from the State of Florida Department of Health and Rehabilitative Services indicating the
11 need for and licensing status of the proposed facility. Absence of this notification and
12 statement shall prohibit the use and occupancy of any structure for use as a community
13 residential home; and~~
14

15 ~~e. Nothing in this section shall permit persons to occupy a community residential home who
16 would constitute a direct threat to the health and safety of other persons or whose residency
17 would result in substantial physical damage to the property of others.~~
18

19 5. Congregate living facilities, foster homes, group homes, not otherwise meeting the definition
20 of community residential home nursing homes, religious institutions, small scale public
21 facilities and utilities.
22

23 6. Educational and Child Care Facilities, Non-Public as ~~per Division XX~~ provided in this Code.
24

25 7. Hospitals (other than animal hospitals) including accessory office buildings and accessory
26 commercial service facilities, only upon approval by public hearing; said accessory uses shall
27 comply with the following additional criteria:
28

29 a. Office buildings:

30
31 1. Office buildings shall be located on a hospital site containing a minimum of ten
32 (10) acres.
33

34 2. Hospital and office buildings shall be under one (1) ownership and the property
35 owner shall file a unity of title agreement or other similar agreement or covenant in
36 lieu thereof in conformance with the provisions of Section 33-31.
37

38 3. Tenants of the office buildings shall be limited to medical personnel affiliated
39 with, and having staff privileges at, the hospital.
40

41 4. The hospital must contain a minimum of one hundred (100) beds.
42

43 5. The office complex shall not exceed forty (40) percent of the hospital's total
44 square footage.
45

46 b. Commercial service facilities:

- 1
- 2 1. Service facilities shall be restricted to cafeterias or restaurant, florist shop, gift shop,
- 3 financial institution, pharmacy, newspaper and magazine stand, and other similar uses
- 4 determined by the director to be ancillary to a hospital/office complex.
- 5
- 6 2. Services shall be permitted and available exclusively for use by medical staff,
- 7 hospital personnel, patients and visitors of the hospital.
- 8
- 9 3. Outside advertising or signs (including wall signs) shall be prohibited.
- 10
- 11 4. Service facilities shall not exceed three (3) percent of the hospital floor area, nor shall
- 12 they exceed seven (7) percent of the office floor area.
- 13
- 14 5. Service facilities meeting the above criteria shall not require further public hearing(s)
- 15 if located within hospitals or related office buildings approved at public hearing(s)
- 16 held after the effective date of Ordinance Number 88-93.
- 17

18 **C. Accessory uses.**

19 The accessory uses in the RO-50 district are those uses customarily associated with multi-family
20 residential buildings or hotels and for use of the residents or hotel guests only, such as, but not
21 limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental
22 features, storage structures, non-commercial boat piers or docks etc. Accessory Uses shall be
23 located on the same lot as the main use. In addition, the following accessory uses are permitted:
24
25

- 26
- 27 1. Business or commercial establishments, restaurants, bars and cabarets open to the public
- 28 shall be permitted in hotels, motels and apartment hotels provided they are located within the
- 29 principal building, which contains at least one hundred (100) units, and provided the exterior
- 30 of any such principal building shall not have store fronts or give the appearance of
- 31 commercial or mercantile activity as viewed from the highway: in the event the use contains
- 32 windows which may be seen from the street or highway, said windows shall be of fixed,
- 33 obscure glass. Such business or commercial establishments and bars in this district shall be
- 34 entered only through the lobby and no additional entrances shall be permitted, except when
- 35 the same opens into a courtyard or patio (away from the street side) which is enclosed and
- 36 which is not visible from the street and, except that a fire door or emergency exit shall be
- 37 permitted.
- 38
- 39 2. Apartment developments having a minimum of three hundred (300) residential units may
- 40 have accessory convenience uses not exceeding one thousand (1,000) square feet as an
- 41 accessory use to apartment developments, provided that:
- 42
- 43 (a) Such services relate to the needs of the inhabitants of the proposed complex;
- 44 (b) Such services are not provided direct access from public roads;
- 45 (c) Such services are not visible from public roads;
- 46 (d) Detached signs and signs visible from public roads are not used;

1 (e) Such services are designed as an integral part of the total design as determined by site
2 plan review; and

3 (f) Said facility is located in the principal structure or in a community service center
4 structure.

5
6 An additional one (1) square foot of retail area shall be permitted for each apartment unit
7 above three hundred (300) units provided, however, that the maximum square footage for
8 such facilities shall not exceed three thousand (3,000) square feet.
9

10 3. Hotels and motels with one hundred fifty (150) or more guest rooms may contain liquor
11 package use on the premises for the accommodation and use of their guests only, provided
12 the establishment housing such use is entered only through the lobby within the building and
13 does not have the appearance of commercial or mercantile activity as viewed from the
14 highway. No advertisement of the use will be permitted which can be seen from the outside
15 of the building. These restrictions shall not apply when the hotel or motel site is in a
16 commercial district and the package store is a permitted use and conforms to all of the
17 requirements of said district.
18

19 4. Hotels and motels with two hundred (200) or more guest rooms or apartment units under one
20 (1) roof may contain a night club on the premises, provided the exterior of any such building
21 shall not have store fronts or give the appearance of commercial or mercantile activity as
22 viewed from the highway. In the event the use contains windows which may be seen from
23 the highway, said windows shall be of fixed obscure glass. Such night club shall be entered
24 only through the lobby, and no additional entrance shall be permitted, except when the same
25 opens into a courtyard or patio (away from street side) which is enclosed and which is not
26 visible from the street and, except that a fire door or exit shall be permitted.
27

28 5. Apartment Hotels must have the minimum number of apartment or hotels units listed above
29 in order to have the respective accessory uses.
30

31 6. Cabanas, provided they are strictly incidental to apartment hotel, motel or hotel. Cabanas
32 shall not be used for overnight sleeping quarters nor rented or leased to any person other than
33 a guest of the apartment house, apartment hotel, motel or hotel.
34

35 **D. Development Regulations**

36 **1. Minimum lot width and area.**

37 a. The minimum lot width shall be one hundred (100) feet.
38

39 b. The minimum lot area shall be ten thousand (10,000) square feet.
40
41
42

43 **2. Lot coverage.**

44 a. The total lot coverage permitted for all buildings on the site shall not exceed forty (40)
45 percent of the total lot area.
46

1
2 **3. Setback requirements.**
3

- 4 a. Front setback. For structures not exceeding thirty-five (35) feet in height, the minimum
5 setback shall be twenty-five (25) feet; for structures over thirty-five (35) feet in height the
6 setbacks shall be increased by forty (40) percent of the additional height above thirty-five
7 (35) feet.
- 8 b. Rear setback. For structures not exceeding thirty-five (35) feet in height, the minimum
9 setback shall be twenty-five (25) feet; for structures over thirty-five (35) feet in height the
10 setbacks shall be increased by forty (40) percent of the additional height above thirty-five
11 (35) feet.
- 12 c. Interior side setbacks and side street setbacks. Minimum setbacks for all structures shall
13 be twenty-five (25) feet to the interior side property line(s) or side street property line(s).
- 14 d. Minimum setback between buildings shall be twenty (20) feet, except where doors,
15 windows or other openings in the building wall of a living unit face a wall of the same
16 building and/or a wall of another building with living units on the same site. In that case
17 there shall be provided a minimum clear distance of not less than thirty (30) feet, said
18 distance to be measured on a line projected at right angles from the opening to the
19 opposite wall.
- 20 e. Parking Setbacks:
21 Front: 25' from front property line.
22 Street side: 15' from corner side street property lines.
23 Interior side: 5' from interior side property lines
- 24 f. Other spacing - No building containing a hospital, private school, convalescent home,
25 eleemosynary or philanthropic institution shall be located within one hundred (100) feet
26 of any RU-1 or RU-2 Zone or within fifty (50) feet of any property under different
27 ownership.
- 28 g. Accessory buildings:
29 (1) Single-Family, Two-Family, & Townhouses - accessory buildings shall conform to
30 requirements in the respective districts.
31 (2) All other Uses – Accessory buildings shall not be permitted within the front yard or
32 side street setback areas. Otherwise the location, setbacks, lot coverage, height, size
33 etc. shall be determined through the site plan review process.
34

35 **4. Height.**
36

37 The maximum height shall be six (6) stories and seventy-five (75) feet. All structures higher
38 than two (2) stories or 35 feet shall require site plan approval at a public hearing.
39
40
41

42 **5. Floor area ratio.**
43

44 The floor area ratio shall not exceed 1.4; provided, however, that covered structure parking
45 shall not count as a part of the floor area, but shall be counted in computing building height.
46 In an accessory parking garage which provides additional parking spaces than what is

1 required for a proposed development, the area of the garage which contains the parking
2 spaces and driveways above 120% of the parking requirement shall be included in the Floor
3 Area calculations.

4
5 | 6. Density - Maximum number of apartment and hotel units.

6
7 The maximum number of dwelling units in a multiple family housing development, or
8 apartment, shall not exceed a density of fifty (50) dwelling units per acre.

9
10 Hotels and motels developed for transient residential usage shall not exceed a density of
11 seventy-five (75) dwelling units per net acre.

12
13 The maximum number of units in an Apartment Hotel (defined as a building containing a
14 combination of apartment units and hotel units) shall be calculated on a proportional basis.
15 For example, if a proposed building contains 20% apartment units and 80% hotel units, then
16 20% of the lot area will be calculated at the apartment density of 50 dwelling units per acre
17 and 80% of the lot area will be calculated at the hotel density of 75 units per acre.

18
19 7. Minimum Apartment Unit Size / Average Apartment Unit Size

20 The minimum apartment unit size shall be 600 sq. ft and the minimum average apartment
21 unit size for an entire development shall be 800 sq. ft. The minimum size shall be measured
22 from the outside of exterior walls to the center line of interior partitions. Non-airconditioned
23 spaces such as balconies shall not be counted towards the required minimum unit size.

24
25 8. Landscaped Open space.

26
27 On each lot there shall be provided landscaped open space equal to a minimum of thirty (30)
28 percent of the total lot area. Said open space shall be unencumbered with any structure or off-
29 street parking or drive aisles, and shall be landscaped and well maintained with grass, trees and
30 shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water
31 bodies do not count for more than twenty (20) percent of the open space requirement.

32
33 | 9. Landscape - Landscaping and trees shall be provided in accordance with ~~Division 7~~Chapter
34 18A, Landscape Ordinance, of this Code.

35
36
37 10. Wall.

38 A decorative wall of masonry, reinforced concrete, precast concrete, or wood fence or other
39 like material that will be compatible with the main structure, five (5) feet in height, shall be
40 erected along all interior property lines including the rear property line; provided, however,
41 in the event that the rear property line abuts a secondary road, said wall shall be set in ten
42 (10) feet from the official right-of-way of the secondary road and said ten-foot strip shall be
43 landscaped; provided further, in the event that the interior side property line abuts RO
44 Residential/Office zoned property or a more liberal zoning district, the requirement for the
45 wall along said common interior property line shall not apply.

1 11. Through lots.

2 Where the building site is on a through lot, the structure shall front on the principal road, and
3 if there is any question as to which of the two (2) roads is the principal road, the decision of
4 the Administrative Official shall be adhered to.
5

6 12. Type of buildings permitted.

7 The principal buildings to be erected shall be without store fronts or display windows and all
8 Uses must be entered through a main entrance or lobby to the building.
9

10
11
12 **E. Site Plan Review**
13

14 All new construction or substantial remodeling shall comply with the site plan review criteria
15 and procedures outlined in Division 3.4 of this Code before a building permit can be issued. In
16 addition to the site plan review criteria specified in Division 3.4 of the Code the following design
17 criteria shall be utilized in the site plan review process:
18

- 19 1. *Purpose and intent:* The proposed development fulfills the objectives of this article.
20
- 21 2. *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by
22 minimizing tree removal. Landscape shall be used to shade and cool, direct wind
23 movements, enhance architectural features, related structure design to site, visually
24 screen noncompatible uses and block noise generated by the major roadways and intense-
25 use areas.
26
- 27 3. *Buffers:* Buffering elements in the form of architectural design and landscape design that
28 provide a logical transition to adjoining existing or permitted uses shall be provided.
29
- 30 4. *Scale:* Scale of proposed structures shall be compatible with surrounding proposed or
31 existing uses or shall be made compatible by the use of buffering elements.
32
- 33 5. *Circulation:* Pedestrian and auto circulation shall be separated insofar as is practicable,
34 and all circulation systems shall adequately serve the needs of the development and be
35 compatible and functional with circulation systems outside the development.
36
- 37 6. *Energy considerations:* Site design methods to reduce energy consumption shall be
38 encouraged. Energy site conservation methods may include siting of structures in relation
39 to prevailing breezes and sun angles and use of landscape materials for shade and
40 transpiration.
41
- 42 7. *Parking areas:* Building wall extensions, planting, berms or other innovative methods
43 shall be used as a means of minimizing the adverse effect of the visual impact of parking
44 areas. This requirement is in addition to the requirements of the landscape regulations of
45 the Town of Miami Lakes Code.
46

- 1 8. *Open spaces*: Open spaces shall relate to any natural characteristics in such a way as to
2 preserve and enhance their scenic and functional qualities to the fullest extent possible.
3
- 4 9. *Graphics*: Graphics, as required, shall be designed as an integral part of the overall
5 design of the project.
6
- 7 10. *Art display*: Permanent interior and exterior art displays and water features should be
8 encouraged in the overall design of the project.
9
- 10 11. *Visual screening for decorative walls*: In an effort to prevent graffiti vandalism, the
11 following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
12
- 13 (a) *Wall with landscaping*. The wall shall be setback two and one-half (2 1/2) feet from
14 the right-of-way line and the resulting setback area shall contain a continuous
15 extensively landscaped buffer which must be maintained in a good healthy condition
16 by the property owner, or where applicable, by the condominium, homeowners or
17 similar association. Perimeter walls surrounding subdivisions shall be painted one
18 consistent color scheme to be determined by the homeowners association and the
19 Town. The landscape buffer shall contain one (1) or more of the following planting
20 materials:
21
- 22 (1) *Shrubs*. Shrubs shall be a minimum of three (3) feet in height when measured
23 immediately after planting and shall be planted and maintained to form a
24 continuous, unbroken, solid, visual screen within one (1) year after time of
25 planting.
26
- 27 (2) *Hedges*. Hedges shall be a minimum of three (3) feet in height when measured
28 immediately after planting and shall be planted and maintained to form a
29 continuous, unbroken, solid, visual screen within one (1) year after time of
30 planting.
31
- 32 (3) *Vines*. Climbing vines shall be a minimum of thirty-six (36) inches in height
33 immediately after planting.
34
- 35 (b) *Metal picket fence*. Where a metal picket fence abutting a zoned or dedicated right-of-
36 way is constructed in lieu of a decorative wall, landscaping shall not be required.
37
- 38 12. *Bikeways and bicycle parking facilities*. Where feasible all new and substantially
39 redeveloped developments shall provide bikeways and on-site bicycle parking facilities.
40

1 | **DIVISION 4.105 AU, AGRICULTURAL DISTRICT**

2
3 | **SECTION 1. PURPOSE AND INTENT.**

4
5 | This article shall not be construed to:

- 6
7 | 1. Prohibit, restrict, regulate, or otherwise limit any activity of a bona fide farm
8 | operation on land classified as agricultural land pursuant to Section 193.461, F.S.,
9 | where such activity is regulated through implemented best-management practices or
10 | interim measures developed by the Florida Department of Environmental Protection,
11 | the Florida Department of Agriculture and Consumer Services, or water management
12 | districts and adopted under Chapter 120, F.S., as part of a statewide or regional
13 | program.
14
15 | 2. Prohibit, restrict, regulate, or otherwise limit any activity of a farm operation, as so
16 | long as such activity has not been determined to be a nuisance pursuant to Section
17 | 4.105.10.

18
19
20 | **SECTION 2. DEFINITIONS.**

- 21
22 | (1) *Affected land* for the purpose of this section means:

23
24 | Any parcel of land designated Agriculture, or zoned AU, or abutting any
25 | AU zoned parcel.

- 26
27 | (2) *Accessory Use or Structure* means a use or structure customarily incidental and
28 | subordinate to the principal use or structure and, unless otherwise specifically
29 | provided, located on the same premises. "On the same premises" shall be
30 | construed as meaning on the same lot or on a contiguous lot in the same
31 | ownership. Where a building is attached to the principal building, it shall be
32 | considered part thereof, and not an accessory structure.

- 33
34 | (3) *Ancillary* means subordinate to the Primary Use.

- 35
36 | ~~(4) *Building* means any structure having a roof entirely separated from any other~~
37 | ~~structure by space or by walls in which there are no communicating doors or~~
38 | ~~windows or any similar opening and erected for the purpose of providing support~~
39 | ~~or shelter for persons, animals, things or property of any kind.~~

40 |

<i>Note: Duplicate language deleted. See 33-1. Definitions.</i>

- 41
42 | (54) *Feed* means food for domestic livestock.

- 43
44 | (65) *Feeding Station* means any structure, equipment, container or any other area
45 | located upon the affected land used to provide, hold or store feed.

1 | (76) *Front of Property* means property line facing a highway right-of-way.

2 |
3 | (87) *Interest in real property* means a nonleasehold, legal or equitable estate in and or
4 | any severable part thereof created by deed, contract, mortgage, easement,
5 | covenant or other instrument.

6 |
7 | (98) *Operable Condition* means vehicle is devoid of mechanical
8 | damage that prohibits vehicle from operating properly.

9 |
10 | (109) *Purchaser* means a buyer, transferee, grantee, donee or other party acquiring an
11 | interest in real property.

12 |
13 | (104) *Real property transaction* means the sale, grant, conveyance, mortgage or transfer
14 | of an interest in real property.

15 |
16 | (112) *Seller* means a transferor, grantor, donor [or] other party conveying an interest in
17 | real property.

18 | ~~(13) *Setback* means the minimum horizontal distance between the street, rear or side~~
19 | ~~lines of the lot and the front, rear or side lines of the building, structure or~~
20 | ~~enclosure.~~

21 | ~~(14) *Vehicle* means a conveyance for people or materials.~~

22 | ~~(15) *Structure* means anything constructed or erected the use of which requires rigid~~
23 | ~~location on the ground, or attachment to something having a permanent location~~
24 | ~~on the ground.~~

25 | *Note: Duplicate language, 13-15, deleted. See 33-1. Definitions.*

26 |
27 | **SECTION 3. PERMITTED USES.**

28 |
29 | No land, body of water and/or structure shall be maintained, used or permitted to be used, and no
30 | structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally
31 | altered or be permitted to be erected, constructed, moved, reconstructed or structurally altered for
32 | any purpose in an AU District which is designed, arranged, or intended to be used or occupied
33 | for any purpose other than the following:

- 34 |
35 | 1. All uses, except golf courses, permitted in the RU District and subject to the restrictions
36 | thereof not inconsistent with this article.
37 |
38 | 2. Cattle or stock grazing (not including hog raising).
39 |
40 | 3. ~~Hog farms and hog raising shall be permitted only upon approval of the site plan at a public~~
41 | ~~hearing.~~

42 | *Note: Not applicable to the Town of Miami Lakes.*

1
2
3 | 43. Dairy barns shall be subject to approval of the site plan at a public hearing, if to be located
4 | within fifty (50) feet of a residence under separate and different ownership or if to be located
5 | within five hundred (500) feet of an RU District boundary.
6

7 | 54. Farms.
8

9 | 65. Groves.
10

11 | 76. Greenhouses, nurseries—commercial.
12

13 | ~~8. Dude ranches and riding academies shall be permitted only upon approval of the site plan at a~~
14 | ~~public hearing.~~
15

16 | *Note: Not applicable to the Town of Miami Lakes.*
17

18 | 97. Horticultural farming—commercial.
19

20 | ~~10. Hydroponics or other chemical farming, shall be permitted only upon approval of the site~~
21 | ~~plan at a public hearing.~~
22

23 | *Note: Moved to Conditional Uses based on public hearing*
24 | *condition.*
25

26 | 118. Nurseries—horticultural.
27

28 | 129. The raising of one hundred (100) poultry, or more, shall be considered as commercial
29 | poultry raising. Buildings housing poultry must be at least five hundred (500) feet from any
30 | RM or RU District boundary, and at least fifty (50) feet from any residence under separate
31 | ownership on any adjacent property.
32

33 | 103. Truck gardens.
34

35 | 114. Fish pools shall conform to setbacks for accessory buildings, as provided in Section
36 | 4.105.6.3.
37

38 | 125. A group home, which otherwise meets the definition of a community residential home, shall
39 | be permitted in a dwelling unit subject to the requirements of Florida Statutes § 419.001 as
40 | amended from time to time and provided:
41

42 | ~~(a) That the total number of resident clients on the premises not exceed six (6) in number.~~

43 | ~~(b) That the operation of the facility be licensed by the State of Florida Department of Health~~
44 | ~~and Rehabilitative Services and that said Department or sponsoring agency promptly~~
45 | ~~notify the Director of said licensure no later than the time of home occupancy.~~

46 | ~~(c) That the structure used for a group home shall be located at least one thousand (1,000)~~

1 feet from another existing, unabandoned legally established group home. The 1,000-foot
2 distance requirement shall be measured by following a straight line from the nearest
3 portion of the structure of the proposed use to the nearest portion of the structure of the
4 existing use.

- 5
6 16. ~~Seed drying facility on a parcel of land not less than ten (10) acres gross shall be permitted as
7 a special exception upon approval after public hearing.~~

8
9

<i>Note: Moved to Conditional Uses based on public hearing 10 condition.</i>
--

11
12 **SECTION 4. CONDITIONAL USES**

- 13
14 1. Schools, including institutions of higher learning and primary and secondary schools only
15 shall be permitted; provided, the school structures, buildings or improvements, as well as
16 all incidental school uses, are at least two hundred fifty (250) feet from the boundary,
17 property or lot line.
18
19 ~~2. Seed drying facility on a parcel of land not less than 10 (10) acres gross.~~
20
21 ~~3. Hydroponics or other chemical farming, shall be permitted only upon approval of the site
22 plan at a public hearing.~~

23
24
25 **SECTION 5. ACCESSORY USES**

- 26
27 1. ~~Accessory Barns or and sheds;~~ Barns and sheds used for cattle or stock and feeding
28 station storage; provided such barns and sheds shall not be used for hogs and shall not be
29 permitted unless approved after public hearing if located within two hundred fifty (250)
30 feet of a residence under different ownership or if located within two hundred fifty (250)
31 feet of an RU, or EU RM District.
32
33 2. ~~Accessory Barns or and sheds;~~ Barns, sheds or other buildings used for the storage of
34 equipment, feed, fertilizer, produce or other items ancillary with the use permitted in this
35 section. Such use shall be accessory to the agricultural use conducted on the property
36 upon which the barns, sheds, or other buildings are located unless approved after public
37 hearing and shall be fifty (50) feet from any residence under different ownership and any
38 RU or EU RM zoned property unless approved after public hearing.
39
40 3. Packing Facilities. The term packing facility shall include any building, lean-to, pole barn
41 or open area utilized by the farmer or grove owner in the course of packing fruit or
42 vegetables as well as any areas whether or not within a building used for the cleaning of
43 produce, storing of trucks, equipment, coolers, refrigerated containers, packing crates or
44 other items used in the packing operation and parking of any vehicles including employee
45 cars and trucks used by the farmer or grove owner to transport the produce to or from the
46 site as well as any trucks on the property being loaded for the purpose of transporting the

1 produce onto or off the property.
2

3 a. Small packing facilities used for the packing of fruit and vegetables upon
4 compliance with the following conditions:
5

6 (1) Such use shall be accessory to an agricultural use conducted on the property
7 upon which the packing facility is located and said agricultural use must
8 encompass fifty-one (51) percent or more of the property.
9

10 (2) The packing facility shall be located at least one hundred (100) feet from any
11 property line.
12

13 (3) The small packing facility shall not exceed three thousand five hundred
14 (3,500) square feet.
15

16 b. Large packing facilities used for the packing of fruit and vegetables upon
17 compliance with all of the following conditions:
18

19 (1) Such use shall be accessory to an agricultural use conducted on the entire
20 property upon which the packing facility is located, and said agricultural use
21 must encompass fifty-one (51) percent or more of the property.
22

23 (2) The lot upon which the packing facility is located shall not be less than ten
24 (10) acres.
25

26 (3) Packing operations shall be discontinued if the farm or grove use is
27 abandoned.
28

29 (4) Incidental cleaning, storage and shipping of the fruit and vegetables is
30 permitted.
31

32 (5) Outside storage of refrigerated containers is prohibited unless the refrigeration
33 system is powered by electricity. The parking of trucks with refrigeration
34 powered by means other than electricity is permitted on a temporary basis
35 only until the truck is loaded for delivery.
36

37 (6) The packing facility shall be one hundred (100) feet from any property line.
38

39 (7) Site plan approval is secured from the Department.
40

41 (8) Upon compliance with all conditions enumerated, a certificate of use and
42 occupancy is secured from the Building Department.
43

44 4. Outdoor storage of vehicles and equipment associated with agricultural, aquacultural or
45 horticultural production occurring on property(ies) other than the property on which the
46 storage is located, provided the storage is not a principal use but is ancillary to a use

1 permitted in this section other than residential, subject to all of the following conditions:
2

3 a. The storage of refrigerated containers is prohibited, unless such refrigeration is
4 electrically powered. Storage within the containers or within other types of
5 equipment is permitted only on a recurrent basis with each occurrence limited to a
6 maximum of thirty (30) days, with approval of Town Administrative Official.
7

8 b. Such equipment, vehicles and the area of storage shall be maintained in
9 compliance with Division 6.4 of this Code. The vehicles and equipment shall be
10 maintained in operable condition at all times, except as otherwise provided herein.
11

12 c. Major repairs or overhaul shall be permitted on equipment or vehicles associated
13 with agricultural, aquacultural or horticultural production.
14

15 d. The equipment and vehicles shall be located on the property with the following
16 setbacks:
17

18 (1) From front property line, fifty (50) feet;
19

20 (2) From rear property line, twenty-five (25) feet;
21

22 (3) From interior side property line, twenty five (25) feet; unless the side property
23 line faces an RU or RM zoning district then the setback shall be fifty (50) feet
24 and;
25

26 (4) From side street property line, twenty-five (25) feet.
27

28 (5) If the equipment or vehicles are used for ancillary cattle or livestock feed
29 storage, feed, fertilizer, produce or other items ancillary with the use permitted
30 in this section the setbacks shall comply with Section 4.105.5.2. for barns,
31 sheds or other buildings used for the storage.
32

33 5. Outdoor storage of vehicles and equipment associated with agricultural, aquacultural or
34 horticultural production occurring on property(ies) other than the property on which the
35 storage is located, provided the storage is not a principal use but is ancillary to a
36 residential use permitted in this section subject to all of the following conditions:
37

38 a. Such storage shall be limited to equipment and/or vehicles owned or leased by the
39 occupant-owner or occupant-lessee of the site where the storage is located.
40

41 b. The location for such parked equipment and vehicles shall be in the rear yard or in
42 the side yard to the rear of a line established by the front building line farthest
43 from the street and set back to at least the rear building line. Such equipment and
44 vehicles shall be set back from side property lines a distance at least equivalent to
45 the required side setback for the principal building and shall be set back from the
46 rear property line at least ten (10) feet.

- c. Such equipment, vehicles and the area of storage shall be maintained in compliance with Section 10 of this Division 6-4 of this Code. The vehicles and equipment shall be maintained in operable condition at all times, except as otherwise provided herein.
- d. Major repairs or overhaul shall be permitted on equipment or vehicles associated with agricultural, aquacultural or horticultural production.
- e. The number of vehicles and amount of equipment stored on a residential site is limited by Section 10 of this Division 6-4 of this Code. The storage of refrigerated containers is prohibited, unless such refrigeration is electrically powered. Storage within commercial vehicles or within other types of equipment is permitted only on a recurrent basis with each occurrence limited to a maximum of thirty (30) days, with approval of Town Administrative Official.

6. Farm Labor Housing One single-family permanent or temporary structure to house farm labor personnel will be permitted on a farm site for the first ten (10) acres (or less, if smaller, but not less than five (5) acres) and an additional one-family structure for each five (5) acres of additional land in said farm site will be permitted under the following conditions:

- a. Providing the structures are located a minimum of one hundred (100) feet from any property under separate and different ownership.
- b. Except as permitted above, temporary or permanent barracks or structures to house farm labor may be erected only upon approval after a public hearing.

SECTION 6. DEVELOPMENT REGULATIONS FOR BUILDINGS AND ENCLOSURES

1. Lot Area and Width.

Lots for any use in AU District shall contain a minimum of five (5) acres, and have a minimum street frontage of two hundred (200) feet. Credit shall be given towards lot area requirements for right-of-way dedication from the site.

2. Lot Coverage.

The maximum lot coverage shall be fifteen (15) percent of the total lot area. There shall be no minimum or maximum lot coverage requirements on buildings housing poultry; nor on nursery buildings housing plants where the same are of glass, slats, saran, or of a similar type construction.

3. Setbacks and Spacing.

1
2 (a) Minimum building setback requirements shall be as follows:

3
4 From front property line, fifty (50) feet.

5
6 From rear property line, fifty (50) feet.

7
8 From interior side property line, fifteen (15) feet.

9
10 From side street property line, twenty-five (25) feet.

11
12 (b) Minimum setbacks from accessory buildings when not specifically mentioned in
13 this ~~d~~Division are:

14
15 From front property line, seventy-five (75) feet.

16
17 From rear property line, seven and one-half (7 1/2) feet unless the rear property
18 line faces an RU or RM zoning district then the setback shall be fifty (50) feet.

19
20 Between buildings on same lot, parcel or tract of land, twenty (20) feet.

21
22 From interior side property line, twenty (20) feet. unless the side property line
23 faces an RU or RM zoning district then the setback shall be fifty (50) feet

24
25 From side street property line, thirty (30) feet.

26
27 Horticultural nursery buildings shall comply with accessory building setbacks,
28 except that no minimum spacing need be provided between such structures on the
29 same property and except that agricultural shade houses may be constructed to
30 within thirty (30) feet of the front property line. Buildings housing poultry shall
31 comply with accessory building setbacks (except as otherwise provided in Section
32 4.10~~5~~.3.12, except that no minimum spacing need be provided between such
33 buildings on the same property. Fence enclosures for poultry shall be the same as
34 other fence requirements in this district.

35
36 (c) Buildings for hogs, cattle and other stock shall not be placed closer than two
37 hundred fifty (250) feet to a residential district and no enclosure for hogs shall be
38 closer than five hundred (500) feet to a residence under separate and different
39 ownership. No hogs, cattle or other stock shall be permitted closer than ten (10)
40 feet to any highway right-of-way.

41
42 **4. Height; Construction.**

43
44 (a) The maximum height of any building in this district shall be thirty-five (35) feet,
45 two (2) stories.

- 1 (b) All structures in the AU (Agricultural) District shall comply with all technical
2 code requirements for the Town of Miami Lakes, as the same may be provided for
3 in this or other ordinances.
4
5

6 **SECTION 7. SITE PLAN REVIEW AND SETBACK REDUCTION**
7 **PROCEDURE**
8

- 9 (a) All new uses, construction, substantial remodeling or alterations to existing
10 building and or uses shall comply with the site plan review criteria and procedures
11 outlined in Division 3.4 of this Code before a building permit or a certificate of
12 use can be issued.
13
14 (b) The required setback may be decreased through the Variance procedure specified
15 in Division 3.5 of the Town Code; provided that the applicant for a variance shall
16 demonstrate that the existing setback requirement prohibits, restricts or otherwise
17 limits a generally accepted farming practice. Any setback approved under this
18 section shall be conditioned upon the applicant providing a buffer consisting of an
19 opaque fence or wall, hedge or berm to a minimum height of six (6) feet.”
20
21

22 **SECTION 8. VESTED RIGHTS; PROPERTY REZONED TO AU.**
23

- 24 (a) Any landowner whose property was rezoned to AU subsequent to December 28,
25 1984, as the result of an application by the Director and who claims a vested right
26 to develop or use his property contrary to Section 4.105.3, may submit an
27 application for a determination of vested rights to the Town Council within ninety
28 (90) days after the later of: (1) the effective date of the ordinance or resolution by
29 the Town Council; or, (2) the date of final judicial action.
30
31 (b) Any person filing an application for a determination of vested rights with the
32 Town Council shall attach an affidavit setting forth the facts upon which the
33 applicant bases his claim for vested rights. The applicant shall include copies of
34 any contracts, letters and other documents upon which a claim of vested rights is
35 based. The mere existence of zoning prior to the effective date of said ordinance
36 or resolution or final judicial action shall not vest rights.
37
38 (c) The Town Council shall review the application and determine whether the
39 applicant has demonstrated:
40
41 (1) An act of development approval by an agency of Miami-Dade County or The
42 Town of Miami Lakes,
43
44 (2) Upon which the developer has in good faith relied to his detriment,
45
46 (3) Such that it would be highly inequitable to deny the landowner the right to
47 complete the previously approved development.

1
2 | (ed) A determination that a landowner is entitled to a vested right to develop or use
3 | property contrary to Section 4.10~~5~~.3, shall entitle development or use in accord
4 | with said determination. However, the development or use shall not be excepted
5 | from compliance with other standards set forth in this Code.
6
7

8 **SECTION 9. FEES AND PERMITS.**
9

10 (a) Permits shall be required and must be obtained for all structures erected,
11 | constructed, moved, reconstructed or structurally altered in this district.
12

13 (b) Fees shall be paid for all permits on all residential structures. For all
14 | nonresidential structures, fees shall be paid on all structures in excess of two
15 | hundred (200) square feet in area. All fees shall be paid in accordance with the fee
16 | schedule as otherwise provided for.
17
18

19 **SECTION 10. PUBLIC NUISANCE.**
20

21 (1). Farm operations located on that portion of a plot or plots of land located in
22 | agricultural districts, shall constitute a public or private nuisance if the farm
23 | operation does not conform to generally accepted agricultural and management
24 | practices or if it is determined by the code enforcement board or authorized
25 | hearing officer that any of the following conditions exist:
26

- 27 a. The presence of untreated or improperly treated human waste, garbage, offal,
28 | dead animals, dangerous waste materials, or gases which are harmful to
29 | human or animal life.
- 30 b. The presence of improperly built or improperly maintained septic tanks, water
31 | closets, or privies.
- 32 c. The keeping of diseased animals which are dangerous to human health, unless
33 | such animals are kept in accordance with a current state or federal disease
34 | control program.
- 35 d. The presence of unsanitary places where animals are slaughtered, which may
36 | give rise to diseases which are harmful to human or animal life.
37

38 (2) No farm operation shall become a public or private nuisance as a result of a
39 | change of ownership, a change in the type of farm product being produces, a
40 | change in conditions in or around the locality of the farm, or a change brought
41 | about to comply with Best Management Practices adopted by local, state, or
42 | federal agencies if such farm has been in operation for one (1) year or more since
43 | its established date of operation and if it was not a nuisance at the time of its
44 | established date of operation.
45
46

1 **SECTION 11. AGRICULTURAL DISCLOSURE.**

2
3 (1) *Disclosure statement for real property transactions involving Affected land.* The
4 seller shall provide the purchaser with the following statement, which shall be set
5 forth on a separate sheet of paper and shall be signed by the prospective purchaser
6 prior to the execution of any other instrument committing the purchaser to acquire
7 title to such real property or any other interest in any Affected land, as follows:

8
9 (2) For all Affected land, the statement shall include the following language:

10
11 LAND INVOLVED IN THIS TRANSACTION IS ZONED AGRICULTURAL
12 (AU) OR LIES ADJACENT TO LAND THAT IS ZONED AU, OR IS
13 DESIGNATED FOR AGRICULTURAL USE BY THE TOWN OF MIAMI
14 LAKES COMPREHENSIVE DEVELOPMENT PLAN, OR IS SUBJECT TO
15 AU REGULATIONS.

16
17 AGRICULTURAL ACTIVITIES WHICH MAY BE LAWFULLY
18 CONDUCTED WITHIN THIS AREA INCLUDE BUT MAY NOT BE
19 LIMITED TO CULTIVATION AND HARVESTING OF CROPS;
20 PROCESSING AND PACKING OF FRUIT AND VEGETABLES; BREEDING
21 OF LIVESTOCK AND POULTRY; OPERATION OF IRRIGATION PUMPS
22 AND OTHER MACHINERY; GROUND OR AERIAL SEEDING OR
23 SPRAYING; APPLICATION OF CHEMICAL FERTILIZERS,
24 CONDITIONERS, PESTICIDES AND HERBICIDES; GENERATION OF
25 TRACTOR AND TRUCK TRAFFIC AND OF NOISE, ODORS, DUST AND
26 FUMES ASSOCIATED WITH THE CONDUCT OF THE FOREGOING
27 ACTIVITIES; AND THE EMPLOYMENT AND USE OF AGRICULTURAL
28 LABOR. SUCH AGRICULTURAL ACTIVITIES MAY BE PROTECTED
29 FROM NUISANCE SUITS BY THE "FLORIDA RIGHT TO FARM ACT,"
30 SECTION 823.14, FLORIDA STATUTES.

31
32 (3) In addition to the language set forth above the statement for all AU land not in the
33 East Everglades Area of Critical Environmental Concern shall include the
34 following language:

35
36 TOWN OF MIAMI LAKES ZONING REGULATIONS REQUIRE A
37 MINIMUM OF TWO HUNDRED (200) FEET OF STREET FRONTAGE AND
38 A MINIMUM OF FIVE (5) ACRES OF LAND AREA (INCLUDING RIGHT-
39 OF-WAY DEDICATIONS) AS PREREQUISITES TO ANY USE OF AU
40 LAND, INCLUDING DEVELOPMENT OF ANY SINGLE FAMILY
41 RESIDENCE THEREON.

42
43
44 (34) In addition to the language set forth above the statement for all nonresidential AU
45 land served or to be served by a septic tank shall include the following language:

1 ALL NONRESIDENTIAL AU LAND SERVED OR TO BE SERVED BY A
2 SEPTIC TANK SHALL BE SUBJECT TO THE FOLLOWING PROVISIONS:
3

4 THE ONLY LIQUID WASTE (EXCLUDING LIQUID WASTES
5 ASSOCIATED WITH THE PROCESSING OF AGRICULTURAL PRODUCE
6 IN AGRICULTURAL PACKING HOUSES AND LIQUID WASTES
7 ASSOCIATED WITH AGRICULTURAL VEHICLE OR AGRICULTURAL
8 EQUIPMENT MAINTENANCE FACILITIES WHICH REPAIR OR
9 MAINTAIN VEHICLES OR EQUIPMENT ANCILLARY TO AND
10 DIRECTLY SUPPORTIVE OF A BONA FIDE AGRICULTURAL PURPOSE
11 AND WHICH VEHICLE OR EQUIPMENT ARE OWNED OR OPERATED BY
12 THE OWNER OR LESSEE OF THE AGRICULTURAL VEHICLE OR
13 AGRICULTURAL EQUIPMENT MAINTENANCE FACILITY) WHICH
14 SHALL BE GENERATED, DISPOSED OF, DISCHARGED, OR STORED ON
15 THE PROPERTY SHALL BE DOMESTIC SEWAGE DISCHARGED INTO A
16 SEPTIC TANK.
17

18 NON DOMESTIC WASTE, INCLUDING WASTE RESULTING FROM AN
19 AGRICULTURAL VEHICLE OR AGRICULTURAL EQUIPMENT
20 MAINTENANCE FACILITY SHALL NOT BE DISCHARGED TO A SEPTIC
21 TANK AND MUST BE DISPOSED OF IN ACCORDANCE WITH
22 APPLICABLE REGULATIONS.
23

24 | (45) For all AU land, the statement shall conclude with the following language:
25

26 THE ZONING CODE OF THE TOWN OF MIAMI LAKES ENUMERATES
27 CERTAIN EXCEPTIONS WHERE SMALLER COUNTY LOT SIZES ARE
28 PERMITTED. IF THE LAND WHICH IS THE SUBJECT OF THIS
29 TRANSACTION DOES NOT QUALIFY FOR AN EXCEPTION, AND DOES
30 NOT MEET BOTH THE LOT FRONTAGE AND AREA REQUIREMENTS
31 NOTED ABOVE, NO SINGLE FAMILY RESIDENTIAL USE OR ANY
32 OTHER USE OF THE PROPERTY MAY BE PERMITTED UNLESS FIRST
33 APPROVED AFTER PUBLIC HEARING.
34

35 I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE
36 FOREGOING STATEMENT.
37

38 _____
39

40 Signature of Purchaser Date
41

42 | (56) *Acknowledgment of agricultural disclosure statement on instrument of*
43 *conveyance.* It shall be the seller's responsibility that the following statement shall
44 appear in a prominent location on the face of any instrument conveying title to or
45 any other interest in Affected land. The seller shall record the notarized statement
46 with the Clerk of the Court:

1 I HEREBY CERTIFY THAT I HAVE READ, UNDERSTAND AND HAVE
2 SIGNED THE AGRICULTURAL DISCLOSURE STATEMENT FOR THE
3 SALE OF OR OTHER TRANSACTION INVOLVING THIS PARCEL OF
4 AFFECTED LAND AS REQUIRED BY SECTION 4.10~~5~~.9. CODE OF THE
5 TOWN OF MIAMI LAKES .
6
7

8 _____
9
10 Signature of Purchaser Date

11
12 (67) *Penalties.* Any seller who violates any provision of this section, or fails to comply
13 therewith, or with any lawful rule, regulation or written order promulgated under
14 this section, shall be subject to the penalties, civil liability, attorney's fees and
15 enforcement proceedings set forth in, the Code of the Town of Miami Lakes,
16 Florida, and to such other penalties, sanctions and proceedings as may be
17 provided by law. The Town of Miami Lakes shall not be held liable for any
18 damages or claims resulting from the seller's failure to comply with provisions of
19 this section.
20

21 (78) *Exceptions.* Notwithstanding any other provision of the Code of The Town of
22 Miami Lakes, real property that is zoned AU (agriculture) or that is zoned GU
23 (interim) and determined by the Director to be subject to an agricultural trend of
24 development, and which property or property interest is being transferred to the
25 South Florida Water Management District, shall be exempt from all disclosure
26 requirements pertaining to AU land.
27
28
29
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31
32
33
34
35

1
2
3 **DIVISION 4.116 HURRICANE RELIEF REGARDING EXISTING AND**
4 **NONCONFORMING RESIDENTIAL STRUCTURES IN THE RU**
5 **AND RU-TH DISTRICTS**
6

7 **A. Definitions.** For the purposes of this Division, the following terms shall have the
8 designated meanings.
9

10 (a) Legal Non-Conforming Fence or Awning, shall mean a fence, and as defined in
11 Division 4.3.D.17 an awning or patio covering that obtained and closed all proper
12 permits for building and zoning.
13

14 (b) Illegal Non-Conforming Fence or Awning, shall mean a fence, and as defined in
15 Division 4.3.D.17 an awning, or patio covering, which prior to December 5, 2000,
16 was:

17
18 1) built without a building permit or zoning permit and is a Legally
19 Permissible Fence or Awning as defined herein ; or
20

21 2) issued a building or zoning permit but the permit expired without
22 an approved final inspection, and which was otherwise in
23 compliance with all other provisions of the Miami-Dade County
24 zoning code in effect on December 5, 2000, but no longer
25 conforms to the Town code.
26

27 (c) “Hurricane” shall mean Hurricane Wilma or any storm that had an impact on the
28 Town of Miami Lakes for which the Town Council has authorized by Resolution
29 that the provisions of this Ordinance shall apply.
30

31 (d) “Hurricane Damage” shall mean damage caused by Hurricane Wilma or any other
32 storm designated as a Hurricane by the Town Council.
33

34 (e) “Legally Permissible Fence” shall mean a fence either belonging to a single
35 family in the RU District or belonging to a townhouse in the RU-TH District that
36 was permissible under the Town land development regulations in effect on
37 December 5, 2000.
38

39 (f) “Legally Permissible Awning” shall mean an awning or patio covering as defined
40 in Division 4.3.D.17 belonging to a townhouse that was permissible under the
41 Town land development regulations in effect on December 5, 2000.
42

43 (g) “RU District” shall mean all single and two-family residential districts, including
44 RU-1, RU-1A, RU-1B, RU-1Z and RU-2.
45

1 B. Providing for Exemption from 33-35(c) of the Code and Providing Procedures for Legal
2 and Illegal Non-Conforming Fences in the RU Districts and Fences and Awnings in RU-
3 TH District to Obtain Permits or Final Inspection After Hurricane Damage.

4
5 (a) Applicability. This Division shall apply to repairs or replacement of:

6
7 (1) Legal Non-Conforming Fences and Awnings in the RU an RU-TH
8 District; and

9
10 (2) Illegal Non-Conforming Fences in the RU Districts built before December
11 5, 2000 and Illegal Non-Conforming Fences and Awnings in the RU-TH
12 District built before December 5, 2000.

13
14 (b) Time for application for building permit. Applications for building permits
15 hereunder shall be made no later than one (1) year after the effective date of the
16 Town Council Resolution authorizing application of this Division to the
17 Hurricane Damage. However, persons affected by Hurricane Damage from
18 Hurricane Wilma shall have one (1) year from the effective date of passage of this
19 Ordinance to apply for a building permit.

20
21 (c) The permit application shall comply with all requirements of the Florida Building
22 Code (FBC) and the owner shall furnish to the Zoning Official and Building
23 Official the following:

24
25 (1) Evidence satisfactory to the Zoning Official that the structure in question
26 existed prior to December 5, 2000, and sustained damage due to a
27 Hurricane by providing proof such as but not limited to aerial
28 photographs, signed and sealed surveys, photographs, insurance claim
29 applications, and affidavits from previous owners or neighboring property
30 owners.

31
32 (2) Evidence satisfactory to the Zoning Official that the structure in question
33 was a Legal Non-Conforming Fence or Awning as defined herein.

34
35 (3) Evidence satisfactory to the Building Official that the structure or repair to
36 or replacement of the structure satisfies the requirements of the Building
37 Code and the Florida Fire Prevention Code in effect at the time of the
38 current building permit application. In no instance will a Non-conforming
39 structure be allowed to be rebuilt, repaired or replaced without complying
40 with the requirements of the Building Code and the Florida Fire
41 Prevention Code in effect at the time of the current building permit
42 application.

43 (d) All permit applications. All repairs and/or replacement applications must secure a
44 proper building permit and final approved inspection. The permit must be issued
45 within six months of the application.

1 (e) Fees. The Building Official shall calculate a fee for processing applications and to
2 conduct any inspections done pursuant to this Division in accordance with the
3 approved Building Department Fee Schedule.

4 (f) Notice. The Town Manager or designee shall notify residents that previously
5 applied for a variance for which this Division provides relief. The notice shall
6 state the structures which may take advantage of the provisions of this Division,
7 set forth the requirements of this Division, the time limits allowed, and the
8 possible effects of the failure to comply with the Division provisions and the
9 Florida Building Code. A public notice will be printed in a newspaper of general
10 circulation advising residents of the relief provided by this Division due to future
11 Hurricane Damage.

12 (g) The provisions of this Division shall not be interpreted to supersede the following
13 requirements, which must be complied with by all structures in question at all
14 times:

15 (1) Zoning requirements on December 5, 2000.

16

17 (2) Requirements of the Florida Building Code or federal or state laws
18 or other preemptive laws, codes or standards.
19

1
2 **ARTICLE 5 ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS**
3 **AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS**
4

5
6 **DIVISION 5.1 GENERALLY**
7

8 In all districts, every part of a required yard shall be landscaped and remain open to the sky and
9 free of all structures and paving except as authorized by these land development regulations.
10 The following items are permitted to be constructed, placed or encroach into the required yards
11 or and to exceed the height requirements of a district only as provided in this Article.
12

13
14 **DIVISION 5.2 ACCESSORY BUILDINGS**
15

16 A. One story accessory buildings shall be permitted within the required rear yard of single-
17 family or ~~duplex two-family~~ residences if they comply with the following:
18

- 19 1. Each accessory building, and the total of all accessory buildings and any storage shed,
20 located in the rear yard, shall not exceed 150350 sq. ft. (75 sq. ft. in the zero lot line
21 developments) of roofed area (including roof overhangs) or cover more than 20% of the
22 required rear yard, whichever is less. and Enclosed storage areas in each individual
23 accessory building shall not exceed 60100 sq. ft (3060 sq. ft. in the zero lot line
24 developments).
25
26 ~~2. The total lot coverage of all accessory buildings in the required rear yard shall not exceed~~
27 ~~more than 20% of the area of the required rear yard.~~

28
29

<i>Note: Deleted text incorporated into Division 5.2.A.1. above.</i>
--

30

31 ~~32.~~ Accessory buildings shall be setback a minimum of five (5) feet from a rear or interior
32 side property line or for corner lots shall comply with the side street setbacks for the main
33 structure. Roof overhangs shall be permitted to project a maximum of twelve (12) inches
34 into the required five (5)² foot side and rear setbacks.
35

36 ~~43.~~ Accessory buildings shall be detached a minimum of 10' from the residence and a
37 minimum of 6' from roof overhangs (detached 56' from the main residence and 36' from
38 any roof overhangs in the zero lot line developments). Accessory buildings shall be
39 spaced apart from each other the same distance requirements as from the main residence.
40

41 ~~54.~~ Accessory buildings shall be limited to one story with a maximum height of 15 feet².
42

43 ~~65.~~ Allowable accessory buildings, with the exception of chickee huts as defined in this code,
44 shall be constructed and finished to match the existing residence (including roofing
45 material) or designed in an architectural style complimentary to the existing residence.
46

1 | 76. Accessory buildings shall be limited to uses that are accessory to the main use, including
2 | but not limited to garages, carports, pergolas, cabanas, gazebos etc. Sleeping or guest
3 | rooms shall not be permitted in detached accessory buildings.
4 |

5 | 87. Accessory buildings may contain heating and air conditioning, washers and dryers,
6 | toilets, bar sinks and showers. ~~An outdoor built-in barbecue grill or similar cooking~~
7 | ~~equipment shall be allowed as an accessory structure.~~
8 |

9 | 98. No permit shall be issued for an accessory building for any use unless the principal
10 | building exists on the lot, or unless a permit is obtained simultaneously for both buildings
11 | and construction progresses concurrently.
12 |

14 | **DIVISION 5.3 ACCESSORY STRUCTURES**

15 |
16 | A. Accessory structures associated with single-family and two-family residences shall comply
17 | with the following:
18 |

19 | 1. Accessory structures such as built in barbecue grills or similar cooking equipment, play
20 | equipment, tents, detached canopies, trellises, etc. whether or not permanently attached to
21 | the ground, shall only be permitted in the rear or side yards and must shall comply with
22 | the same height and setback regulations from adjoining properties as accessory buildings,
23 | except as provided for in this Division.
24 |

25 | a. —Above-ground swimming pools and hot tubs shall comply with the same setbacks
26 | as swimming pools in Section 5.13.
27 |

28 | b. —Accessory structures not permanently attached to the ground, including temporary
29 | play equipment, five (5) feet² high or less , shall only be permitted in the rear or side
30 | yards and may be located two (2) feet² from a rear or interior side property line and
31 | for corner lots shall comply with the side street setbacks for the main structure.
32 |

33 | c. —Ornamental landscape features such as statues or fountains less than four (4) feet
34 | high and decorative ponds less than 24 inches deep are permitted as accessory
35 | structures within any required yard.
36 |

37 | 2. One Accessory storage sheds which are is no larger than 3050 sq. ft. and 56' high or less
38 | and not visible from the street or adjoining properties, may be located two (2) feet² from
39 | a rear or interior side property line and for corner lots shall comply with the side street
40 | setbacks for the main structure and are not required to match the architectural style and
41 | construction materials of the main residence. Any storage shed located in the rear yard
42 | shall be included in the calculation of accessory buildings and lot coverage pursuant to
43 | Division 5.2.A.1. Storage sheds larger than 3050 sq. ft. and or higher than 5six (6) feet²
44 | are not permitted.
45 |
46 |

1 **DIVISION 5.4 AIR CONDITIONING OR OTHER MECHANICAL EQUIPMENT**

2
3 | A. Single-Family and Two-Family Residences:

- 4
5 | 1. Central ~~A~~air-~~C~~onditioning or mechanical equipment shall not be located along the front
6 | façade of any single-family or two-family residences. Central ~~A~~air-conditioning or
7 | mechanical equipment shall be located as close to the main residence as possible in order
8 | to minimize noise to the adjacent properties. In addition to the above requirement, the
9 | equipment may not be located less than ~~three (3) feet~~^{two (2) feet} from an interior side or rear
10 | property line and no less than ~~ten (10) feet~~^{ten (10) feet} from a side facing a street. Legally existing
11 | central air-conditioning or mechanical equipment that does not meet the above setbacks
12 | may be replaced in the existing locations provided that the setback is not reduced. All
13 | air-conditioning equipment shall be substantially screened, by landscaping, wall or
14 | similar device from view at eye level (5' – 6" above grade) from the front of the property
15 | or side facing a street.
16
17 | 2. Wall or window air conditioning units shall not be visible from a front or side street and
18 | may project into a required yard for a distance not to exceed 40% of the required setback.
19
20 | 3. Central air-conditioning or mechanical equipment located on the roof shall also be
21 | substantially screened from view at eye level (5' – 6" above grade) from adjoining
22 | properties. Roof mounted solar powered water heaters, if possible, shall be installed so
23 | that they are not visible at eye level (~~5' – 6" above grade~~) from the front or side streets.
24
25

26 **DIVISION 5.5 AWNINGS**

27
28 | A. Single-Family and Two-Family Residences:

- 29
30 | 1. Awnings may only be installed over doors, windows or other openings and shall be
31 | permitted to project into any required setback as follows:
32
33 | Maximum projection into front setback: ~~five (5) feet~~^{five (5) feet}
34 | Maximum projection into interior or street side setback: ~~three (3) feet~~^{three (3) feet}; ~~five (5) feet~~^{five (5) feet} for
35 | zero lot line developments
36 | Maximum projection into rear setback: ~~seven (7) feet~~^{seven (7) feet}
37 | In no instance shall an awning project any closer than ~~three (3) feet~~^{three (3) feet} to a property line.
38
39 | 2. An awning projecting into the rear setback of single-family and two-family residences
40 | may be installed along the rear façade regardless of whether there are doors, windows of
41 | other openings. However, the awning shall not cover more than 70% of the width of the
42 | rear façade of the residence.
43
44 | 3. All awnings affixed to a particular residence shall be of the same color scheme.
45
46 | 4. The area covered by awnings shall not be included in the lot coverage calculations.

1
2
3 **DIVISION 5.6 CANOPIES**
4

5 | A. Single-Family and Two-Family Residences:
6

7 1. Required Front and Side Yard:

8 Detached or attached canopies are not permitted within the required front and side yards.
9

10 | 2. Required Rear Yard:
11

12 | a. Canopies attached to the main residence and open on two sides shall not be
13 included in the lot coverage calculations but must comply with the required rear
14 and side setbacks for the main residence, except for that portion projecting into a
15 required rear yard setback as follows:
16

17 | i. An Attached Canopy may project into the required rear yard setback a
18 maximum of seven (7) feet provided that no Attached Canopy projects any
19 closer than three (3) feet to a property line. Any intrusion into a required rear
20 yard setback shall be included in the lot coverage calculations.
21

22 | ii. All Attached Canopies must comply with the required side street setbacks for
23 the main residence.
24

25 | b. Detached Canopies in the rear yards shall comply with the setback and lot
26 coverage restrictions for accessory buildings, and with the exception of chickee
27 huts as defined in this code may only be constructed of canvas, fabric or vinyl and
28 pipe or CBS construction to match the residence.
29

30 | 3. Construction:
31

32 | With the exception of chickee huts as defined in this Code, all Canopies, attached or
33 detached, may only be constructed of canvas, fabric or vinyl and pipe or CBS
34 construction to match the residence. Any Canopy with a pitch equal to or greater than 2
35 ½ shall be constructed of cement, ceramic or metal to simulate barrel tile or flat cement
36 tile. Use of other Canopy roofing materials, approved under the Florida Building Code,
37 may be approved by the Town at a public hearing through the variance process.
38
39

40 **DIVISION 5.7 DECKS AND WALKWAYS**
41

42 | A. Single-Ffamily and Ttwo-Ffamily Rresidential lots or parcels shall comply with the
43 following for at-grade decks. At-grade decks and walkways are defined as decks or
44 walkways that are not more than six (6) inches above the established grade. Decks or
45 walkways higher than six (6) inches above the established grade shall be considered

1 accessory structures and must comply with the setback and lot coverage restrictions for
2 accessory structures elsewhere in this code:

3
4 1. Required Front Yard:

5 | At-grade decks shall be permitted to project a maximum of five (5') feet into the
6 required front yard.

7 One walkway with a maximum width of six (6) feet shall be permitted from the entrance
8 of the residence to the front property line.

9
10 2. Required Side Yards:

11 Decks shall not be permitted within the required side yards.

12 | Three (3') feet wide walkways, steps or entrance stoops shall be permitted within the
13 required side yards, setback a minimum of two (2) feet from the side interior property
14 line.

15
16 3. Required Rear Yard:

17 At grade decks or walkways constructed of wood, concrete, brick pavers set in sand or of
18 similar impervious materials shall be setback a minimum of 5' from the rear and interior
19 side property lines. For zero lot line developments the decks or walkways shall be
20 setback three (3) feet from the rear property line, zero (0') feet from the zero lot line side
21 and four (4) feet from the other interior side property line. For all corner lots the decks
22 shall comply with the required street side setbacks for the main structure.

23
24 | 4. The maximum ~~permitted~~ impervious area permitted for driveways, walkways, porches,
25 decks, etc. (including brick pavers set in sand) in the required front and side yards ~~or a~~
26 ~~required side yard~~ facing a street shall be 60% for each yard.

27
28 |

<i>Note: Revised to match language of 5.8.A.6.</i>
--

29
30 5. In no instance shall the total impervious areas (including brick pavers set in sand) of all
31 the required yards on a lot or parcel exceed 50%.

32
33
34 **DIVISION 5.8 DRIVEWAYS AND PARKING SPACES**

35
36 | **A. Single-Family and Two-Family Residences**

37
38 1. Driveways and parking spaces shall be graveled or hard-surfaced. Parking shall not be
39 permitted on sand, lawns, common access areas, right-of-ways, across sidewalks, center
40 islands of cul-de-sacs and other non-paved areas not approved for parking. Overnight
41 | parking, any time between the hours of 12:00 midnight and 6:00 a.m., shall not be
42 permitted on swale areas, however overnight parking shall be permitted on driveway
43 approach areas if the vehicle does not block the sidewalk. Unlicensed vehicles and
44 inoperable vehicles may only be placed and kept on a lot in a closed garage.

1 a. Emergency exceptions to overnight parking for a single vehicle per residence on
2 swale areas may be granted for the temporary parking, no more than 48 hours,
3 under the following circumstances:

4
5 1. automobile maintenance failure; and

6
7 2. parking for a home health care professional engaged in the care of a
8 resident of the property.

9
10 b. Upon application to the Town, a hardship waiver to extend overnight parking for
11 a single vehicle per residence on swale areas may be granted by the
12 Administrative Official in compliance with the following provisions:

13
14 1. Health Care Professional: Extended overnight parking (more than 48
15 hours) may be granted for a home health care professional engaged in the
16 care of a resident of the property upon the provision of a medical
17 prescription for home health care services or other affidavit from a
18 licensed medical professional documenting the need for home health care
19 for a resident of the property;

20
21 2. Direct Family Member: Extended overnight parking (more than 48 hours)
22 may be granted for a person living in the household and interrelated by
23 blood, marriage or legal adoption, occupying a dwelling unit designed as a
24 single-family use.

25
26 3. No extended overnight parking hardship waiver may be issued unless all
27 other available parking spaces including the garage and driveway
28 approach are already utilized for parking.

29
30 4. Upon provision of an extended overnight parking hardship waiver for
31 parking on the swale, the overnight parking of the vehicle shall be limited
32 to the swale area directly in front of the principal residence.

33
34
35 2. The maximum driveway approach width shall be 20 feet. Paved driveway areas
36 (excluding approaches) for any garage, including 3-car garages, shall not exceed 30 feet
37 in width.

38
39 23. Driveways and parking spaces in the front or side yard shall be set back a minimum of
40 five (5) feet from an interior side property line. For zero lot line developments the
41 driveways and parking spaces shall be setback back a minimum of zero (0') feet from the
42 zero lot line side and a minimum of four (4) feet from the opposite side property line.
43 For all corner lots, the driveways and parking spaces located in the front or side yard
44 shall comply with the required street side setbacks for the main structure, accept to cross
45 the setback as needed to provide direct access from the street to the garage. Driveways

1 | are not permitted in the side yard except as needed to provide access to a functioning side
2 | yard facing garage.

3 |
4 | 34. On corner properties when a driveway is located perpendicular to a side facing the street,
5 | the driveway or parking space shall be setback twenty (25) feet from the rear property
6 | line and twenty (25) feet from the front property line.
7 |

8 | 45. Driveways and parking spaces parallel to a front property line or side property line facing
9 | a street shall be set back five (5) feet from the front or side street property line.
10 |

11 | 56. The maximum ~~permitted~~ impervious area permitted for driveways, walkways, porches,
12 | decks, etc. (including brick pavers set in sand) in the required front and side yards ~~or the~~
13 | ~~required side yard~~ facing a street shall be 60% for each yard.
14 |
15 |
16 |

17 | **DIVISION 5.9 FENCES, WALLS AND GATES**

18 |
19 | A. All Districts

20 |
21 | 1. Appearance:

22 |
23 | a. The frame work or structural supports for any permitted fence, wall or enclosure shall
24 | face the interior of the lot; or in the case of a double faced fence, wall or enclosure, it
25 | shall have an identical design on both sides, so that the exterior of such improvement
26 | shall have a finished appearance. Each side of a CBS wall shall be completely
27 | finished with stucco and paint. Each side of a decorative masonry wall shall be
28 | completely painted. Chain link fences must be either vinyl coated or covered by a
29 | hedge. Slats of vinyl, plastic or similar material shall not be permitted to be inserted
30 | or weaved into the chain link fences.
31 |

32 | b. If a wall or fence is to be placed on a shared property line, consent for access must be
33 | obtained from the adjoining property owner(s) prior to finishing the opposite side of
34 | the wall. If such consent cannot be obtained, the property owner erecting the wall
35 | must present proof that a request for access approval was mailed to every adjacent
36 | property owner, by certified mail, return receipt requested, to the mailing address(es)
37 | as listed in the most current Miami-Dade County tax roll, and the mailing was
38 | returned undeliverable or the adjacent property owner(s) failed to respond to the
39 | request within thirty (30) days after receipt. Upon such a showing, the property owner
40 | erecting the wall shall not be required to finish the opposite side of the wall.
41 |

42 | c. Barbed wire fences and barbed wire topped fences or walls shall be permitted only in
43 | the AU and IU Zoning Districts. When mounted on top of fences or walls such
44 | barbed wire must be placed on an angle extension of not more than sixteen (16)
45 | inches on top of walls or fences at least eight (8) feet in height. This extension shall
46 | contain no more than three (3) strands of barbed wire and shall not extend over

1 official rights-of-way or over property under different ownership. Fences charged
2 with electricity shall not be permitted within the Town limits. Neither shall any wall,
3 fence or similar structure erected in any district contain material or substance such as
4 broken glass, spikes, nails, ~~barbs~~ or similar materials designed to inflict pain or injury
5 on any person or animal.
6

7 2. Measurement of Height:
8

- 9 a. The height of a wall or fence shall be the average vertical distance measured from the
10 elevation of the property where the wall or fence is located to the top of the wall or
11 fence. Average vertical distance shall be determined by taking elevations along both
12 sides of the wall or fence line, at five-foot intervals and totaling the same and then
13 dividing the total by the number of elevations which were taken. The maximum
14 permitted height of a wall or fence on a property shall be measured from the natural
15 height and contours of the land. Virgin land may not be increased or decreased in
16 elevation to affect the permitted (or required) height of a wall, hedge or fence. A
17 fence or wall shall not exceed the maximum permitted height when measured from
18 the adjoining property.
19

20 *Note: Additional language incorporated from originally adopted*
21 *Miami-Dade Code.*
22

- 23
24 b. Fences, walls, gates or columns not located within the required yards may be
25 constructed up to the maximum permitted height for the primary structures of the
26 zoning district in which the property is located.
27

28 3. Corner Visibility:
29

30 No structure, ~~fence or wall~~hedge, ~~shrub or planting~~ which obstructs sight lines at
31 elevations between two and a half (2.5) and eight (8) feet above the roadways shall be
32 placed or permitted to remain on any corner lot within the triangular area formed by the
33 outer edge of the paved streets extended and a line connecting them at points twenty-five
34 (25) feet from the intersection of the extended street lines. The same height sight-line
35 limitations shall apply on any lot within ten (10) feet from the intersection of a street
36 right-of-way line with the edge of a driveway pavement. ~~No tree shall be permitted to~~
37 ~~remain within such distances or such intersections unless the foliage line is maintained at~~
38 ~~sufficient height to prevent obstruction of such sight lines.~~ Waivers of the corner
39 visibility requirements may be administratively approved by the Public Works Director.
40

41 *Note: Corner Visibility regarding landscaping moved to Article 7.*
42

43 4. Perimeter Walls Surrounding Subdivisions:
44

- 45 a. Walls surrounding subdivisions and abutting zoned or dedicated right-of-ways shall
46 comply with the Plats Section, 3.8B.16. of this code.

1 b. No changes, alterations, or modifications of any kind shall be made to the perimeter
2 wall surrounding a subdivision without the prior written approval of the Town.
3 Exterior surfaces of perimeter walls shall be of uniform colors to be determined by
4 the homeowners association, or by the Town pursuant to color guidelines to be
5 adopted by the Town Council, and the perimeter walls shall be maintained by the
6 homeowners association or property owner(s) if an association does not exist.
7

8 B. Single-Family and Two-Family Residences:
9

10 1. Location Restrictions:
11

12 a. No fences, walls or gates shall be permitted within a required front yard or side yard
13 facing a street. However, perimeter walls surrounding subdivisions which are
14 approved through the site plan review process are permitted along sides facing a
15 street or rear yards facing a street and shall comply with the Plats Section 3.8 as
16 applicable.
17

18 b. In zero lot line developments, where a side yard faces a street, a fence or wall may be
19 permitted, with a zero setback, along the required side and rear yard property line
20 facing a street, setback a minimum of 35 feet from the front property line.
21

22 b.c. On properties abutting lakefronts, fences or walls or rocks arranged to form a fence or
23 wall or objects which restrict access or block views from adjacent properties are not
24 permitted beyond the top of the slope toward the lake, or waterside of the survey tie
25 line.
26

27 d. A construction fence, to secure a construction site, on a site in a residential or non-
28 residential zoning district may be approved by the Administrative Official in any
29 required setback or yard in conjunction with a temporary certificate of use. Said
30 fence approval shall be valid for a maximum of 180 days in connection with a valid
31 Building Permit. However, a construction fence approval may be extended by the
32 Administrative Official for a second 180 day period provided that the Building Permit
33 application has not expired.
34

35 2. Height:
36

37 a. Where permitted, the maximum height of all fences, walls or decorative columns
38 located within a required yard shall be 6'. Decorative open see-through type gates
39 and decorative columns that are not more than sixteen (16) inches wide and spaced a
40 minimum of 8' apart, shall be permitted to exceed the maximum permitted height of
41 the wall by 18".
42

43 b. Height between different districts. Where an RU District abuts another district, a
44 fence, ~~or wall or hedge~~ on the RU property may be erected or maintained on the
45 common property line ~~of~~at the height permitted in the abutting district.
46

1
2 **DIVISION 5.10 RESERVED HEDGES**
3

4 ~~A. Single Family and Two Family Residences~~
5

6 ~~1. Hedges shall not be permitted parallel to the front or side street property line within the~~
7 ~~required front or side street required yards.~~
8

9 ~~2. The maximum height of hedges located within a required yard shall not exceed six (6)~~
10 ~~feet with the following exceptions:~~
11

12 ~~a. For waterfront properties, hedges located waterward of the top of the slope or tie line~~
13 ~~shall not exceed a height of two and one half (2 1/2) feet.~~
14

15 ~~b. Hedges facing arterial or collector roadways shall have a maximum height of ten (10)~~
16 ~~feet. Hedges facing state roadways shall not have a height limit but must be maintained neat and~~
17 ~~trimmed.~~
18

19 ~~c. Hedges along the side property lines within the required front yard or along the rear~~
20 ~~property line within the side yard facing a street shall not exceed 2.5' in height.~~
21

22 ~~3. Hedges for waterfront properties~~
23

24 ~~a. Hedges along the side property lines shall not be permitted within ten (10) feet of the~~
25 ~~water's edge. The water's edge is defined as the average high ground water elevation.~~
26

27 ~~b. Hedges shall not be permitted to be placed parallel to the water's edge waterward of the~~
28 ~~top of the slope.~~
29

30 ~~4. All existing hedges that do not comply with the above regulations shall either be removed~~
31 ~~if no longer permitted or trimmed to comply with the maximum height requirements within one~~
32 ~~year of the adoption of this ordinance.~~
33

34

<i>Note: Duplicate language deleted. See Article 7.</i>

35

1 **DIVISION 5.11 PROJECTIONS AND OVERHANGS INTO THE REQUIRED**
2 **YARDS**

3
4 A. For all districts:

5
6 ~~Every part of a required yard shall be open to the sky, except as authorized by these land~~
7 ~~development regulations. In addition, t~~The following items may project into a required yard
8 for a distance not to exceed 40% of the required setback up to a maximum of five (5) feet:

- 9 1. Chimneys
- 10 2. Cornices
- 11 3. Unenclosed balconies open on three sides.
- 12 4. Roof overhangs
- 13 5. Window and wall air-conditioning units.
- 14 6. Bay windows, with a maximum width of 6', which do not extend the floor space.
- 15 7. Ornamental features that do not extend interior living space.
- 16 8. Awnings as provided in see Division section 5.5
- 17 9. Canopies as provided in Division 5.6

18
19
20 **DIVISION 5.12 ANTENNAS AND SATELLITE DISHES (SDA)**

21
22 A. Television and Radio Antennas

23
24 All radio and television antennas shall be placed behind the front elevation or side street
25 elevation and shall not extend more than five 5 feet above the highest roof line or five 5 feet
26 above the height limit in the district in which is it located. If detached from the residence the
27 antennas shall not be located within the required rear or side yards.

28
29 B. Satellite dish antennas (SDA)

30
31 The standards of this section pertain to privately owned satellite dish antennas and are
32 intended to enable clear television reception for the private use and enjoyment of the dish
33 owner.

- 34
35 1. Definition. A Satellite dDish aAntenna (SDA) shall be defined as a device incorporating
36 a reflective surface that is solid, open mesh, or bar configured and is in the shape of a
37 shallow parabolic dish, cone, horn, or cornucopia. Such device is used to transmit and/or
38 receive radio or electromagnetic waves between terrestrially and/or orbitally based uses.
39 This definition is meant to include but not be limited to what are commonly referred to as
40 satellite earth stations and satellite microwave antennas.
- 41
42 2. Measuring an SDA. The diameter of an SDA shall be measured to the outermost part of
43 the SDA. The height of an SDA shall be measured from natural grade to the top of the
44 SDA fastened in a vertical position. The setback of an SDA shall be measured from the
45 property line to the nearest portion of the SDA fastened in a horizontal position.

- 1 3. Permits and exceptions. Unless preempted by Federal Law, no SDA shall be erected
2 unless a building permit is first obtained from the Building Department. Under current
3 Federal Law no permit is necessary for SDA's measuring less than one (1) meter (39.37
4 inches) in diameter when placed as an accessory use to any single-family residence,
5 duplextwo-family residence or townhouse unit, or less than two (2) meters (78.74 inches)
6 in diameter when placed as an accessory use to any permitted business, industrial, office
7 or multi-family use.
8
- 9 4. Satellite Dish Antennas (SDA) exempt from permit by Federal Law shall only be
10 mounted on the side or rear walls of principal buildings or on the roof and shall not
11 extend more than five (5) feet above the highest roof line.
12
- 13 5. Satellite Dish Antennas (SDA) which are not exempt from permit by Federal Law shall
14 comply with the following:
15
- 16 a. As an accessory use to any single-family residence, duplextwo-family residence
17 or townhouse, one (1) ground-mounted detached SDA is permitted per dwelling
18 unit subject to all the location and height requirements of accessory structures
19 (located in rear yard only, fifteen (15) feet² max height, minimum five (5) feet²
20 setback from the rear and side property lines).
21
- 22 b. As an accessory use to any single-family residence, duplextwo-family residence
23 or townhouse, one (1) roof-mounted or wall-mounted SDA (a satellite dish that is
24 attached to the side of a building and projects over the roof is considered to be
25 wall mounted or roof mounted) is permitted per dwelling unit in lieu of a ground
26 mounted SDA, subject to all the following conditions:
27
- 28 (1) A certified engineer's report reflects that clear reception of all satellite
29 transmissions is not possible with a ground mounted SDA under paragraph
30 (ae) above;
31 (2) The SDA shall be mounted on the rear or interior side wall of the principal
32 building or on the roof to the rear of the actual front building line;
33 (3) The SDA shall not exceed ten (10) feet in diameter;
34 (4) The height of the proposed installation shall not exceed the maximum height
35 restriction imposed upon principal uses within the underlying zoning district.
36
- 37 c. As an accessory use to any business, office or multi-family use, ground-mounted
38 SDA's are permitted subject to all the following conditions:
39
- 40 (1) The ground mounted SDA shall not exceed sixteen (16) feet in diameter;
41 (2) All installations shall comply with the principal building setback requirements
42 specified within the underlying zoning district. The ground mounted SDA
43 shall be located behind the actual front and side street building line;
44 (3) No ground mounted SDA shall project beyond the height of the tallest
45 principal building on the lot on which it is erected.
46

1 d. As an accessory use to any business, office or multi-family use, roof or wall-
2 mounted SDA's are permitted, in lieu of ground-mounted antennas, subject to all
3 the following conditions:

- 4
5 (1) The SDA shall not exceed sixteen (16) feet in diameter;
6 (2) Each SDA must be mounted on the roof to the rear of the front building line or
7 on the rear or non-street side wall of the principal building;
8 (3) The height of the SDA shall not exceed seventeen (17) feet above the height
9 of the principal building on which it is placed.

10
11 e. SDA's are permitted as an accessory use in any Industrial District (IU) subject to
12 compliance with the principal building setback requirements within the
13 underlying zoning district. In Industrial Districts (IU) abutting or across the street
14 from a residential district, SDA's must also comply with all conditions of sections
15 (c.) and (d.) above.

16
17 f. Signage of any type other than the manufacturer of the dish is prohibited on
18 SDA's.

19
20 g. Notwithstanding the provisions contained in this Section to the contrary, the
21 Administrative Official shall have the discretion to administratively modify
22 setback requirements when it can be demonstrated through a certified engineer's
23 report that compliance with such setback requirements would hinder clear
24 reception of signals. In such instances, the Administrative Official:

- 25
26 (a) May require that the SDA be buffered with landscaping or screened from
27 view, providing such buffering or screening does not interfere with clear
28 reception;
29 (b) Shall ensure that the modification is within the spirit and intent of this
30 section; and
31 (c) To the extent possible shall ensure that the SDA installation is compatible
32 with the appearance and character of the neighborhood.

33
34
35 **DIVISION 5.13 SWIMMING POOLS, HOT TUBS, SCREEN ENCLOSURES AND**
36 **POOL DECKS**

37
38 A. For ~~Ssingle-Ffamily~~ and ~~Ttwo-Ffamily~~ residences the following regulations shall apply:

- 39
40 1. Swimming Ppools, Wwhirlpools, and Hhot Ttubs including above ground hot tubs may
41 be located within a required side or rear yard with the following setbacks:
42 Rear – 7.5' / (5' for Zero Lot Line Developments)
43 Side – 7.5 / (5' for Zero Lot Line Developments)
44 Side Facing a Street – 15'
45

- 1 2. The setbacks for swimming pools shall be measured from the edge of the water; however,
2 for above ground whirlpools, hot tubs or spas the setback shall be measured from the
3 outer edge of the enclosure.
4
- 5 3. The edge of the water of swimming pools shall be no closer than eighteen (18) inches to
6 any enclosure, walls and fences.
7
- 8 4. Swimming Ppools, Sscreen Eenclosures and Sswimming Ppool Ddecks may be located
9 within a required side or rear yard with the following setbacks:
10 Rear – 5’ (3’ for Zero Lot Line Developments)
11 Side – 5’ (4’ for Zero Lot Line Developments)
12 Side Facing a Street – 15’
13

14 B. All Other Uses and Districts.

- 15
- 16 1. Swimming Ppools, Hhot Ttubs, Sscreen Eenclosures and Ppool Ddecks shall not be
17 permitted within any required yards.
18

19 C. Safety Barrier for Swimming Pools; aAll dDistricts.

- 20
- 21 1. Required for final inspection of pool. No final inspection and approval for a swimming
22 pool shall be given by the Town, unless there has been erected a safety barrier as
23 hereinafter provided. No pool shall be filled with water unless a final inspection has been
24 made and approved, except for testing purposes as may be approved by the
25 Administrative Official.
26
- 27 2. Types permitted. The safety barrier shall take the form of a screened-in patio, a wooden
28 fence, a wire fence, a rock wall, a concrete block wall or other materials, so as to enable
29 the owner to blend the same with the style of architecture planned or in existence on the
30 property.
31
- 32 3. Height. The minimum height of the safety barrier shall be not less than four (4) feet.
33
- 34 4. Location of barrier. The safety barrier shall be erected either around the swimming pool
35 or around the premises or a portion thereof on which the swimming pool is erected. In
36 either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the
37 enclosed area. Pools located in enclosed structures or on the roofs of buildings shall not
38 require the installation of barriers as required herein.
39
- 40 5. Gates. Gates shall be of the spring lock type, so that they shall automatically be in a
41 closed and fastened position at all times. Gates shall also be equipped with a safe lock
42 and shall be locked when the swimming pool is not in use.
43
- 44 6. Permits. Before any work is commenced, permits shall be secured for all swimming pools
45 and for the safety barriers. Plans shall contain all details necessary to show compliance
46 with the terms and conditions of this chapter. No swimming pool permit shall be issued

1 unless simultaneously therewith a permit is secured for the erection of the required safety
2 barrier, provided however, that in lieu of the permit for a safety barrier, a written
3 statement from the owner certifying that he understands and agrees that the pool cannot
4 be used or filled with water until a permit has been obtained for an approved safety
5 barrier and such barrier erected, inspected and approved will be acceptable. This
6 certification, however, will not eliminate the need for obtaining a permit and erecting an
7 approved barrier prior to final inspection and use of the pool. If the premises are already
8 enclosed, as hereinbefore provided, permit for the safety barrier shall not be required, if,
9 upon inspection of the premises, the existing barrier and gates are proven to be
10 satisfactory.

- 11
- 12 7. Wooden fences. In the wooden type fence, the boards, pickets, louvers, or other such
13 members shall be spaced, constructed, and erected so as to make the fence nonclimbable
14 and impenetrable.
- 15
- 16 8. Walls. Walls, whether of the rock or block type, shall be so erected to make them
17 nonclimbable.
- 18
- 19 9. Wire fences (chain link). Wire fences shall be the two (2) inch, either vinyl coated or
20 covered by a hedge, chain link or diamond weave nonclimbable type, or of an approved
21 equal, with top rail. They shall be of a heavy, galvanized material.
- 22
- 23 10. Refusal of permit. It shall be within the discretion of the Administrative Official to refuse
24 approval of a barrier which, in his opinion, does not furnish the safety requirements of
25 this section, i.e., that is high enough and so constructed to keep the children of preschool
26 age from getting over or through it.
- 27
- 28 11. Maintenance. It shall be the responsibility of the owner and/or occupant of the premises
29 upon which the swimming pool is hereafter erected to maintain and keep the required
30 safety barrier in proper and safe condition and erected in accordance with this division.
- 31
- 32 12. In addition, all requirements of the Florida Building Code shall apply and should any of
33 the swimming safety barrier provisions in this Division be in conflict with the current
34 Town of Miami Lakes Building Code or Florida Building Code, the most restrictive
35 requirements shall apply. ~~the swimming safety barrier shall comply with the current~~
36 Building Code regulations.

37

38

39 **DIVISION 5.14 TENNIS COURTS**

40

41 **A. For Single-Family residences:**

- 42
- 43 1. Tennis Courts shall not be permitted within the required front yard and shall comply with
44 the setbacks required for accessory structures in a side or rear yard.
- 45

2. The maximum height of fences associated with tennis courts shall be ten (10) feet and all chain link fences shall be vinyl coated with black or green material.
3. Landscaping when associated with tennis court fences shall be permitted to equal the height of the fence.
4. The maximum height of light fixtures associated with tennis courts shall be 10' when located within a required side or rear yard; otherwise they may not exceed 20' in height. The lights shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half (1/2) foot-candle (vertical) and shall not exceed one-half (1/2) foot-candle (horizontal) illumination on adjacent properties or structures.

B. For all other districts and uses:

Tennis Courts shall not be permitted within any required yards.

DIVISION 5.15 EXCEPTIONS TO THE HEIGHT REGULATIONS

The height regulations as prescribed in these land development regulations shall not apply to the following items when located on the roof of a structure or attached to the main structure:

A. Single-Family, Two-Family and Townhouse Residences:

1. Chimneys may extend three (3) feet above the height limit in the underlying district.
2. Antennas and Satellite Dishes as per Section 5.12.

B. All other Districts or Uses:

1. Airplane beacons, belfries, chimneys, church spires/steeple, cooling towers, cupolas, domes, elevator bulkheads and shafts and enclosures for mechanical equipment, fire towers, flag poles, monuments, parapet walls extending not more than five (5) feet above the height of the building on which it rests, radio and television antennas, roof structures used only for ornamental purposes providing they do not exceed ten (10) percent of the roof area on which they stand, smokestacks, stage towers or scenery lofts, water towers, and structures used in connection with screening of Antennas.

2. The above rooftop items in Division 5.15.B.1., unless specified, may exceed the maximum height of the underlying zoning district in which they are located by a maximum of fifteen (15) feet. When any of the above items are freestanding, they shall follow the height limitations of the underlying zoning district.

1 | DC. Notwithstanding other provisions of these regulations, the height of all structures and
2 | natural growth shall be limited by the requirements of the Federal Aviation Agency and any
3 | airport zoning regulations applicable to the structure and natural growth.
4 |
5 |

1 | **ARTICLE 6 SUPPLEMENTARY USE REGULATIONS**

2
3
4 | **DIVISION 6.1 APPEARANCE AND CARE OF PREMISES**

5
6 | A. Maintenance of buildings, ~~non-dwelling~~ structures and fences.

7
8 Every residential or commercial building, every accessory structure used for non-dwelling
9 purposes, including but not limited to garages, carports, cabanas, swimming pools and decks,
10 hot tubs, screen enclosures, storage buildings, and every fence or wall shall comply with the
11 following requirements:

- 12
13 1. Every foundation, exterior and interior wall, roof, awning, canopy, floor, ceiling, window
14 and exterior door shall be structurally sound and maintained clean, free of mold and
15 fungus and in good repair.
16
17 2. Every structure shall be maintained clean and in a sanitary condition free from rodents,
18 insects, vermin and odor.
19
20 3. The roof of every structure shall be well drained of rainwater.
21
22 4. All exterior surfaces subject to deterioration shall be properly maintained and protected
23 from the elements by paint and other approved protective coating, applied in a
24 workmanlike fashion.
25

26
27 | **DIVISION 6.2 HOME OFFICES**

28
29 A. A home office shall be permitted as an accessory use to all lawful residential uses subject to
30 the following limitations:

- 31
32 1. The area of the dwelling unit devoted to a home office shall not exceed two hundred
33 (200) square feet of the living area of the dwelling unit, including garages.
34
35 2. The home office shall not be conducted in any accessory building or other structure
36 detached from the residence. The area containing the home office shall not have a
37 separate entrance or exit.
38
39 3. The home office must be conducted by a member of the household residing in the
40 dwelling unit, and no person shall be employed at any time in connection with the home
41 office use who is not a member of the household residing in the dwelling unit, except that
42 a disabled individual may employ a personal care attendant as necessary to accommodate
43 a home office on the premises by such individual.
44
45 4. No sign identifying or advertising the home office may be posted or displayed on the
46 premises and no vehicle with any sign displaying the home office use or home office

1 residential address, which might serve to indicate that the dwelling unit is being used for
2 a home office, may be located on the premises.

- 3
- 4 5. No customer, vendor, client or other patron shall be served in person on the premises, nor
5 shall the home office use be conducted in any way which would necessitate the presence
6 of suppliers or patrons on the site, with the exception of deliveries customary to
7 residential use.
- 8
- 9 6. There shall be no display, manufacturing, distribution, or repair of any type of materials,
10 merchandise or other products on the premises. Storage of such items shall be confined to
11 the home office area.
- 12
- 13 7. There shall be no change in the outside residential character of the building or premises
14 as a result of the conduct of such home office use, or any visible evidence thereof.
- 15
- 16 8. More than one (1) home office may be permitted at any one (1) time in a dwelling unit,
17 provided that each such home office complies with each of the forestated requirements
18 and further provided that the combined total square footage of all home office uses in the
19 dwelling unit does not exceed 200 sq. ft.
- 20
- 21 9. An annually renewable certificate of use and occupancy shall be obtained for any home
22 office.

23

24 B. No variances shall be granted to the provisions of the Home Office regulations.

25

26

27 **DIVISION 6.3** **PORTABLE STORAGE UNIT EASEMENTS**

28

29 ~~A. Where real property is encumbered by one (1) or more easements for drainage purposes,~~
30 ~~canal maintenance, access, water, sewage and gas, telephone or power lines, fire lanes, or the~~
31 ~~like and the easement is of record, by deed, survey, plat, zoning map or otherwise, and is of~~
32 ~~notice to the Town, no permit shall be issued unless the applicant therefore secures from the~~
33 ~~easement owner a written statement that the proposed use, building or structures, if installed~~
34 ~~in the proposed manner, will not interfere with the owner's reasonable use of the easement.~~

35

36 ~~B. The written statement required by Subsection (A) above shall be submitted to the Town as~~
37 ~~part of the application for the permit.~~

38

39 ~~C. The easement areas of each lot shall be maintained in good order continuously by the owner~~
40 ~~of the lot.~~

41

42

<i>Note: Duplicate language deleted. See Division 3.1</i>

43

44 A single Portable Storage Unit may be utilized on any site in all districts provided that a valid
45 permit is obtained under the provisions of this Division.

46

1 A. Definitions. The following definitions shall apply to this Division.

2
3 **Portable storage unit** means any container designed for the storage of personal property that
4 is typically rented to owners or occupants of property for temporary use and that may be
5 delivered and removed by vehicle.

6
7 **Site** means a piece, parcel, tract, or plot of land occupied, or that may be occupied, by one or
8 more buildings or uses and accessory buildings and accessory uses that is generally
9 considered to be one unified parcel.

10
11 **User** shall mean the owner or occupant of property entering into an agreement with a
12 portable storage unit company for the placement of a portable storage unit on a site located in
13 the Town.

14
15 B. Application and Permit.

16
17 1. A single portable storage unit may be placed on any site, provided that a permit is first
18 obtained by the User or the owner/operator of the portable storage unit from the Town.

19
20 2. Application shall be made to the Town in a form approved by the Town. Applications for
21 up to 21 days shall be made through the Town's website or in person at the Building
22 Department. Applications for more than 21 days, in conjunction with a building permit
23 as required herein, shall be made in person at the Building Department.

24
25 3. A permit shall be issued providing the conditions of this Division are met. A permit shall
26 be valid for 21 consecutive days except as provided in subsection C of this Division.

27
28 4. Permit cards must be displayed on the storage unit at all times and visible from the front
29 of the property.

30
31 C. Duration of Use.

32
33 1. No portable storage unit shall be placed at any one site in excess of 21 days unless the
34 permit is issued by the Building Department in conjunction with an open, active interior
35 remodeling building permit.

36
37 2. All sites are limited to a maximum of one portable storage unit permit within any
38 consecutive 12-month period. Notwithstanding the foregoing limitation, upon proof of a
39 change of occupancy of the site, the Administrative Official may grant a second permit
40 within the same 12-month period.

41
42 D. Immediate Removal During Hurricane Watch.

43
44 Upon the issuance of a hurricane watch by a recognized governmental agency, all portable
45 storage units shall be removed from the Town within 24 hours. The removal of a portable

1 storage unit during a hurricane watch is the responsibility of the owner/operator of the
2 portable storage unit.

3
4 E. Location.

- 5
6 1. There shall be no more than one portable storage unit per site, no larger than 130 square
7 feet total area.
8
9 2. In residential zoning districts, a portable storage unit shall only be placed in a location not
10 visible from the street and must be set back a minimum of five (5) feet from any property
11 line. If there is no location where the storage unit is not visible from the street, the
12 location shall be a paved driveway, or other paved surface, and must meet the unit
13 setback requirements (five (5) feet). The placement of such portable storage unit may not
14 obstruct the free, convenient, and normal use of the public right-of-way.
15
16 3. In nonresidential zoning districts, a portable storage unit shall only be placed in the rear
17 or side portion of a site. Under no circumstance shall a portable storage unit be placed in
18 an area fronting a street or road, or in the front parking lot. The placement of a portable
19 storage unit in fire lanes, passenger loading zones, commercial loading zones or public
20 rights-of-way shall be strictly prohibited.

21
22 F. Unit Condition.

23
24 A portable storage unit may not contain any advertising or signage other than the name and
25 contact information of the owner/operator of the portable storage unit, as required by the
26 appropriate state agencies. Contact information must be permanently affixed to the portable
27 storage unit.

- 28
29 1. The owner/operator and/or User of a portable storage unit shall be responsible for
30 ensuring that the portable storage unit is properly maintained in good condition, free from
31 evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes
32 or breaks.
33
34 2. When not in use, the portable storage unit shall be kept fully closed and locked.
35
36 3. The User shall be responsible for ensuring that no hazardous substances are stored or kept
37 within the portable storage unit.

38
39 G. Violation.

- 40
41 1. It shall be a violation of the Town Code of the Town of Miami Lakes to place a portable
42 storage unit on a property prior to obtaining a permit from the Town of Miami Lakes.
43
44 2. Any owner/operator or User who fails to obtain a permit prior to placing a unit on the
45 property will have one (1) business day from the day of delivery to remove the portable
46 storage unit or obtain a permit.

1
2 3. Failure to obtain a permit or remove the unit within the time allowed will result in
3 violation of this Code. Each day that any portable storage unit remains on the property
4 without a permit, in violation of this Division, shall constitute a new violation against the
5 User.

6
7 4. It shall be unlawful for a portable storage unit to remain at a site in excess of the time
8 periods permitted under this Division. Each day that any such portable storage unit
9 remains at a site in violation of the provisions of this Division, shall constitute a new
10 violation.

11
12
13
14 **DIVISION 6.4 NUISANCES**

15
16 Nothing shall be allowed on any premises in any zoning district which would in any way be
17 offensive or obnoxious by reason of color, design, or the emission of odors, liquids, gases, dust,
18 smoke, vibration or noise. Nor shall anything be placed, constructed or maintained on any
19 premises that would in any way constitute an eyesore or nuisance to adjacent property owners,
20 residents, or to the community.

21
22
23 **DIVISION 6.5 WATERFRONT PROPERTIES**

24
25 This division shall govern the placement of accessory improvements and landscaping waterward
26 of the top of the slope or tie line in the rear or side yards of lakefront or canal front properties.
27 This division shall not apply to the placement of accessory improvements landward of the top of
28 the slope of such lakes or canals, which are permitted as accessory structures and uses otherwise
29 under this Code. This division shall also apply to improvements into lakes or canals which are
30 privately or publicly owned or maintained. No permit shall be issued for improvements into a
31 lake or canal until the applicant receives approval from the owner of the portion of the lake or
32 canal or the governmental authority or homeowners association having jurisdiction over the
33 portion of the lake or canal where the proposed improvements will be constructed.

34
35 **A. Definitions**

36
37 1. Watercraft:

38 Any boat, dinghy, raft, or other vessel or structure of any size, shape, material or
39 configuration which is designed to float or travel on water and carry or transport one or
40 more persons on water, whether or not it is motorized.

41
42 2. Lake:

43 A lake is a body of water, whether or not connected to a canal or other body of water and
44 all water areas specified on a plat to the shoreline, whether or not the water area is over a
45 portion of a lot. When a lake abuts a body of water designated by a governmental
46 authority to be within the geographical limits of or defined as a canal, that portion

1 designated as a canal shall not be considered a part of a lake unless that body of water is
2 specifically designated as such ~~herein~~ by the Town.

3
4 3. Waterfront Lot:

5 A waterfront lot is a lot any part of which touches the high water mark of a lake, or a lot
6 which has a sea wall beyond which is a lake, canal or other body of water.
7

8 4. Water's edge:

9 The water's edge is defined as the average high ground water elevation. For properties
10 originally developed with a bulkhead or seawall, the water's edge shall be the waterside
11 of the existing bulkhead or seawall.
12

13 5. Top of Slope:

14 The survey tie line shown on the plat or the established point on the lot or property where
15 the elevation of the property starts sloping towards the water's edge. In the event that the
16 survey tie line and actual top of slope shown on the survey differ, the top of slope for
17 zoning purposes will be determined by the Administrative Official.
18

19 6. Dock:

20 That portion of a horizontal deck or structure constructed on pilings, floated or
21 cantilevered past the water's edge into a lake or canal.
22

23 B. Development and Use Restrictions

24
25 1. In all zoning districts, allowable structures and improvements waterward of the top of the
26 slope or waterward of a bulkhead on a lake or canal shall require approval through the
27 Site Plan Review process.
28

29 2. No powerboat or other mechanically powered water craft or device propelled by anything
30 other than manpower, sail or 12 volt electric trolling motor shall be used or operated on a
31 privately owned lake. Where a lake abuts a body of water designated by a governmental
32 authority to be within the geographical limits of or defined as a canal, power boats or
33 mechanically powered craft are permitted.
34

35 3. Shoreline contours and established slopes of any lake or canal and the lots above or
36 below water may not be changed or modified with the exception of interlocking block,
37 concrete, wood or similar material bulkheads or decks as permitted in this division.
38

39 4. Townhouse properties that have side privacy walls extending past the residence towards
40 the lake may construct decks between the walls that modify the established slope.
41

42 5. No lot shall be increased in size by filling in the water upon which it abuts.
43

44 6. The placement of the following accessory improvements and landscaping shall be
45 permitted waterward of the top of slope on a lot, parcel or tract, subject to the following
46 conditions:

1
2 a. Docks
3

- 4 (1) Docks shall either be floated or be placed on pilings at right angles to the water's
5 edge or shoreline, except as otherwise provided herein.
6
7 (2) The width of all docks on a single lot, parcel or tract collectively shall not exceed
8 thirty (30) percent of the lot's width at the water's edge. However, a dock that is
9 placed parallel to the lot and that does not extend more than six (6) feet beyond
10 the water's edge may exceed 30% of the lot's width but may not encroach into the
11 required side setbacks for docks in this section.
12
13 (3) No dock shall project past the water's edge more than one-half (1/2) the length of
14 the lot's shoreline frontage as measured at the water's edge, or twenty (20) percent
15 of the lake or canal width at its widest point, whichever is smaller. In no event
16 shall a dock exceed twenty-five (25) feet in length. For purposes of this section,
17 the length shall be the perpendicular dimension measured from the water's edge
18 (the average low ground water elevation) to the farthest point of the dock
19 (including floating docks) extending into the lake.
20
21 (4) Docks in all zoning districts shall be setback 7.5' on interior side property lines
22 and 15' on side property lines facing a street.
23
24 (5) Only one (1) dock shall be permitted for each principal building on the subject lot,
25 parcel or tract.
26
27 (6) Enclosed or roofed structures, or open sided gazebos shall not be permitted on
28 docks or waterward of the water's edge.
29

30 b. Landscaping, Hedges, Rocks, Rip Rap, Bulkheads
31

- 32 (1) Landscaping or hedges waterward of the top of slope but landward of the water's
33 edge are allowed; however, hedges or ~~mass plantings~~ plant groupings shall be
34 placed no closer than ten (10) feet from the water's edge. No hedge or ~~mass~~
35 ~~plantings~~ plant groupings shall exceed two and a half (2 ½) feet in height
36 waterward of the top of the slope. Fences, wall or rocks arranged to form a fence
37 or wall or objects which restrict access or block views from adjacent properties
38 are not permitted beyond the top of the slope toward the lake, or waterside of the
39 survey tie line.
40
41 (2) A Rip-rap, interlocking block, concrete, wood or similar material bulkhead
42 running parallel to the waters edge is permitted waterward of the top of slope.
43 The bulkhead shall not extend more than one (1) foot below the water's edge and
44 no higher than one (1) foot above the existing grade.
45

46 c. Open Sided Structures, Gazebos

1
2 (1) Only one open sided structure shall be permitted waterward of the top of slope but
3 landward of the water's edge, subject to compliance with the side setback
4 requirements for decks in this section and accessory building lot coverage
5 requirements of the zoning district in which the structure is located; provided,
6 however, the rear setback requirement from the water's edge shall be zero (0)
7 feet. In no event shall an open sided structure or gazebo that is placed waterward
8 of the top of slope exceed fifteen (15) feet in height, measured from the height of
9 the undisturbed land where it is placed, nor shall it exceed 150 square feet in area.
10 Open sided structures, with the exception of chickee huts as defined in this code,
11 shall be constructed and finished to match the existing residence (including
12 roofing material) or designed in an architectural style complimentary to the
13 existing residence.

14
15 d. Steps and Decks

16
17 (1) At grade steps no wider than four (4) feet, and leading from the top of the slope or
18 tie line towards the lake, dock, open sided structure, gazebo or deck, shall be
19 permitted waterward of the top of slope and landward of the water's edge.
20

21 (2) Decks that do not alter the established slope by more than eighteen (18) inches at
22 any point along the deck, with a maximum size of 225 sq. ft. per lot or parcel,
23 including the footprint of a gazebo, shall be permitted waterward of the top of
24 slope. The deck area shall be set back a minimum of 7.5' from the interior side
25 property lines and 15' from a side ~~fac~~ing a street property line and subject to all
26 lot coverage requirements for impervious area contained elsewhere in this code.
27

28 e. Boat Ramps

29
30 (1) Boat ramps shall be permitted providing no filling of the slope area occurs.
31 Ramps shall be set back a minimum of seven and one half (7.5') feet from
32 adjacent properties.
33

34 (2) Filling waterward of the top of slope shall be prohibited.
35

36 7. Structures or improvements other than those specifically listed above are prohibited from
37 placement within the area waterward of the top of slope.
38

39 C. Nonconforming structures or improvements that were constructed without a building permit
40 waterward of the top of the slope.
41

42 1. Notwithstanding the provisions of Subsection B above, existing structures or
43 improvements located waterward of the top of the slope that have modified the existing
44 slope of the lake or canal and that ~~can be shown to have existed~~ prior to December 5,
45 2000 and that ~~did not~~ received approval from the Town prior to January 18, 2006 or have
46 received subsequent approval from the Town Council, shall ~~building permits from the~~

1 County may be considered legal nonconforming structures with respect to all zoning
2 requirements in this division. No variances to this section shall be permitted, provided
3 that the owner of the property complies with the following:
4

- 5 a. ~~Provide proof such as but not limited to aerial photographs, signed and sealed~~
6 ~~surveys, photographs, and affidavits from previous owners or neighboring property~~
7 ~~owners that the improvements or structures in question existed prior to December 5,~~
8 ~~2000.~~
9
10 b. ~~The property owner shall apply for site plan approval within nine (9) months of the~~
11 ~~adoption date of this ordinance and receive approval for the existing nonconforming~~
12 ~~structures or improvements through the site plan review process. As part of the site~~
13 ~~plan analysis and approval process, the Town may attach conditions or recommend~~
14 ~~changes to the existing improvements shown on the site plan to mitigate any impacts~~
15 ~~on adjacent properties or lake.~~
16
17 c. ~~Obtain all required building permits and a Certificate of Completion or Certificate of~~
18 ~~Occupancy, as required.~~
19
20 d. ~~Complete the above requirements, including any conditions required as part of the~~
21 ~~site plan review process, within one year of the date of the adoption of this ordinance.~~
22

23 *Note: Outdated language, based on historic deadlines, has been*
24 *deleted and legal status has been clarified.*
25

- 26 2. Fences or walls constructed along the side property line or parallel to the waters edge past
27 the top of the slope without a building permit may not be legalized ~~through the process in~~
28 ~~C(1)~~ and must be removed. Hedges that do not comply with the regulations contained in
29 this section must be removed or trimmed and may not be legalized ~~through this process.~~
30

31 **DIVISION 6.6 BOATS AND WATERCRAFT**

32

- 33
34 A. In all residential zoning districts, accessory storage of boats, personal watercraft or boat
35 trailers shall be limited to residential garages if they will be stored fully fit inside the a
36 garage ~~and are stored~~ with the garage door fully closed.
37
38 B. The temporary parking for a period of less than 24 hours of a boat in front of the front
39 building line of the property or in front of the side street building line of the property shall be
40 permitted for routine cleaning, loading, or unloading while the boat is hitched to an operable
41 motor vehicle with a valid permanent license tag. Under no circumstances shall a boat be
42 parked in the public right-of-way, including the swale area of a right-of-way or sidewalk.
43
44 C. Owners of lakefront properties may keep no more than two (2) functional watercrafts,
45 appropriate for that lake or canal, on the shoreline or in the rear yard.
46

1 D. No maintenance or repair of watercraft is permitted outside of a garage.

2
3 E. Existing watercraft or boats that complied with the Town Code as of December 5, 2000 and
4 ~~were may be permitted if they are~~ registered with the Town by April 18, 2005 or have
5 received other registration approval from the Town Council shall be considered legal, non-
6 conforming structures. ~~within 90 days of the date of the adoption of this ordinance.~~ A
7 registered boat or registered personal watercraft may be replaced with a boat or personal
8 watercraft of equal or smaller length provided that the boat or personal watercraft is
9 registered with the Town within 180 days of the date of purchase of the replacement boat or
10 personal watercraft. The boat or personal watercraft must be owned by and registered to the
11 owner or occupant of the real property. Once the ~~residence property~~ is sold no further boats
12 or personal watercraft may be kept on the property unless the boat or personal watercraft
13 complies with this Code. No variances to the April 18, 2005 registration deadline shall be
14 granted.

15
16 *Note: Outdated language, based on historic deadlines, has been*
17 *deleted and legal status has been clarified.*

18
19 **DIVISION 6.7 COMMERCIAL AND RECREATIONAL VEHICLES**

20
21 A. Definitions:

- 22
23 1. A commercial vehicle is any vehicle which displays, whether temporarily or
24 permanently, any lettering, logo, or other markings which identify the vehicle as
25 belonging to or used for any commercial purpose; and/or any vehicle on which is visible
26 and is designed to carry cargo, supplies, merchandise, machinery, tools, equipment,
27 racks, or other items of a commercial nature; any vehicle manufactured and commonly
28 used as a work or commercial vehicle, including tow trucks; or any vehicle for hire such
29 as but not limited to buses, jitneys, limousines or taxi cabs.
30
31 2. A recreational vehicle is a vehicle which provides sleeping and other facilities for short
32 periods of time, while traveling or vacationing, designed to be towed behind a motor
33 vehicle, placed on a vehicle or self-propelled, and includes such vehicles as travel trailers,
34 camper trailers, pick-up coaches, motorized campers, motorized homes or other similar
35 vehicles.
36
37 3. An off-road vehicle is any vehicle that is used off the roads or highways for recreational
38 purposes and that is not registered and licensed for highway use in the State. Off-road
39 vehicles include all terrain vehicles (ATV) and golf carts.

40
41 B. In order to maintain the high standards of the Town with respect to residential appearance,
42 commercial trucks or other commercial vehicles, off-road vehicles, campers, recreational
43 vehicles, motor homes, house trailers, boat trailers and trailers of every other description "as
44 defined herein" whether operable or inoperable, shall not be permitted to be parked or to be
45 stored at any place on any lot, common area or right of way within any residentially zoned
46 property area in the Town unless they ~~will~~ are stored fully fit inside ~~the~~ a garage ~~and are~~

1 | stored with the garage door fully closed. This prohibition of parking shall not apply to
2 | temporary parking (~~no overnight parking~~) of trucks and commercial vehicles during the
3 | performance of commercial services and to the loading and unloading, for no more than 24
4 | hours, of recreational vehicles.

5 |
6 | C. Marked and unmarked law enforcement and local government "take home" passenger
7 | vehicles may be permitted to be parked in driveways or parking spaces.

8 |
9 | D. All recreational vehicles, campers, and commercial vehicles that comply with the Town Code
10 | as of December 5, 2000, may be permitted if they are registered with the Town by April 18,
11 | 2005 within 90 days of the date of the adoption of this ordinance. Once the registered
12 | vehicle is sold no other recreational vehicle or commercial vehicle may be parked or stored
13 | on the property unless it complies with this Code.

14 |
15 |
16 | **DIVISION 6.8 ROOFS**

17 |
18 | A. All new single-family or two-family roofs with a pitch equal to or greater than 2 1/2 shall be
19 | constructed of cement, ceramic, or metal to simulate barrel tile or flat cement tile. Other
20 | roofing materials, approved under the Florida Building Code, may be approved by the Town
21 | Council at a public hearing through the site plan review variance process. All new roofs with
22 | a pitch less than 2 1/2 shall be CBS construction. However, flat asphalt shingles on pitched
23 | roofs are not permitted for new construction or for additions to existing buildings.

24 |
25 | B. All single-family or two-family roof materials ~~shall~~ may be replaced or repaired with similar
26 | types of roofing material as originally installed on the residence or may be constructed of
27 | cement, ceramic, or metal which simulates flat cement tile or barrel tile. Existing gravel or
28 | asphalt shingle pitched roofs may be replaced with cement, ceramic, or metal which
29 | simulates flat cement tile or barrel tile.

30 |
31 |
32 | **DIVISION 6.9 RIGHT-OF-WAY AND EASEMENT VACATION**

33 |
34 | A. Generally. This Division shall apply to all requests for the vacation of public rights-of way,
35 | easements, or any other non-fee interests to the Town. As used in this Division, rights-of-way
36 | shall mean any public street, road, alley, or other non-fee interest.

37 |
38 | B. Application. An application for a Right-of-Way Vacation shall be submitted in accordance
39 | with the procedures and application requirements in Division 3.1. In addition, the following
40 | shall be required as part of the application:

41 |
42 | 1. A general description of the right-of-way or easement which the applicant seeks to have
43 | vacated and the location of the same.
44 |

- 1 2. A legal description and recent survey, accompanied by a plat (if the property is platted),
2 map or drawing that indicates the area involved and the location of the specific area
3 sought to be vacated.
- 4
- 5 3. The reason for the requested vacation.
- 6
- 7 4. Names and addresses of all owners of real property abutting the right-of-way or easement
8 area and all owners of record of property within a 500 foot radius of the proposed area to
9 be vacated pursuant to Division 3.9.
- 10
- 11 5. Letters of consent from affected utilities.
- 12
- 13 6. Existing utilities or improvements, if any, in the proposed vacation area. If utilities or
14 improvements will need to be relocated, all details of such relocation shall be identified
15 on the survey, including dedication of any new easements that may be required in order
16 to relocate utilities.
- 17
- 18 7. Any other documentary information showing that the application meets the criteria set
19 forth in Division 6.9.C.
- 20
- 21

22 C. Criteria for Vacation. The Town Council shall consider the following criteria in its review of
23 a request for a vacation:

- 24
- 25 1. Whether the public benefits from the use of the subject right-of-way or easement as part
26 of the Town's roadway system;
- 27
- 28 2. Whether the subject right-of-way or easement is necessary for future needs of the Town;
- 29
- 30 3. Whether the proposed action is consistent with the Town's Comprehensive Plan;
- 31
- 32 4. The impacts of the proposed action on traffic circulation including the results of any
33 applicable traffic study;
- 34
- 35 5. The effect of the proposed action upon the safety of pedestrians and vehicular traffic;
- 36
- 37 6. The effect of the proposed action upon the provision of municipal services, including, but
38 not limited to police, fire-rescue, and solid waste services;
- 39
- 40 7. The estimated immediate and future cost to the Town, if any, as a result of the vacation
41 and any mitigation plan proposed by the applicant to offset any potential impacts; and
42
- 43 8. The reason identified by the applicant for the proposed vacation.
- 44

45 D. Public Hearing. Actions of the Town Council under this Division are Legislative in nature.
46 Upon receipt of a complete application for a vacation and review by the Administrative

1 Official, the Town Council shall hold a public hearing on the application. The hearing shall
2 be noticed pursuant to the provisions of Division 3.9 of the Town Code.
3

4 E. Town Council Action. Town Council shall follow the procedures in Division 3.1 as
5 applicable and shall after the hearing, by written Development Order, approve, approve with
6 modifications and/or conditions or deny the request.
7

8 F. Costs for Improvements. In addition to any application or cost recovery fee, the applicant
9 shall be responsible for paying the Town's cost to improve adjacent rights-of-way or
10 relocation of utilities caused by the vacation.

1 **ARTICLE 7. ENVIRONMENTAL REGULATIONS**

2
3
4 **DIVISION 7.1 LANDSCAPE REQUIREMENTS**

5
6 A. All single-family and two-family residences shall comply with Chapter 18A, Landscape
7 Ordinance and the following minimum standards.

- 8
9 1. Trees: Each lot shall have a minimum of three yard trees not including those planted in
10 swale areas. They shall be native (native plant species) trees with either a minimum
11 diameter at breast height of 1 1/2 inches or a minimum height of 8 feet measured at time
12 of planting. Two native palms of 10 foot overall height or of a minimum diameter at
13 breast height of 3 inches at time of planting ~~each~~ may be substituted for one of the three
14 shade trees. One tree or two native palms shall be in the front yard.
15
16 2. Landscaped areas: ~~S~~shall comprise a minimum of 40% of the required front yard setback.
17 A minimum of 50% of the balance of the total required setback area for the main
18 residence shall be landscaped. Landscaping can include all natural native plant materials
19 including grass, ground cover, flowers, shrubs, hedges and others including xeriscape.
20 Impervious areas, including brick pavers set in sand, will not be considered landscaped.
21
22 3. Shrubs: Each lot shall have, within the landscaped areas thereof, no less than ~~seven (7)~~ten
23 (10) shrubs of a minimum of 18 inches in height when measured immediately after
24 planting, per required lot tree.

25
26

<i>Note: Number of shrubs amended to reflect Landscape Ordinance.</i>

- 27
28
29 4. Hedges:
- 30
31 (a) Hedges shall not be permitted parallel to the front or side street property line within
32 the required front or side street required yards except as provided in this Division.
- 33
34 (b) Within the required front or side street yard, a hedge shall include any plant grouping,
35 parallel to the front or side street property line, that is greater than ten (10) feet in
36 length or which is less than ten (10) feet from any other plant grouping(s). A plant
37 grouping shall include, but not be limited to plant materials such as, grasses, ground
38 covers, shrubs, vines, trees and rocks.
- 39
40 (c) In zero lot line developments, where a side yard faces a street, a hedge may be
41 permitted, with a zero setback, along the required side and rear yard property line
42 facing a street, setback a minimum of 35 feet from the front property line.
- 43
44 (d) The maximum height of hedges located within a required yard shall not exceed
45 six (6) feet with the following exceptions:
46

1 (1) For waterfront properties, hedges located waterward of the top of the slope or tie
2 line shall not exceed a height of two and one half (2 ½) feet.

3
4 (2) Hedges facing arterial or collector roadways shall have a maximum height of ten
5 (10) feet. Hedges facing state roadways shall not have a height limit but must be
6 maintained neat and trimmed.

7
8 (3) Hedges along the side property lines within the required front yard or along the
9 rear property line within the side yard facing a street shall not exceed a height of
10 two and one half (2 ½) feet.

11
12 (4) Height between different districts. Where an RU District abuts another district, a
13 hedge on the RU property may be erected or maintained on the common property
14 line at the height permitted in the abutting district.

15
16 (ee) Hedges for waterfront properties

17
18 (1) Hedges along the side property lines shall not be permitted within ten (10) feet of
19 the water's edge. The water's edge is defined as the average high ground water
20 elevation.

21
22 (2) Hedges shall not be permitted to be placed parallel to the waters edge waterward
23 of the top of the slope.

24
25 (3) Landscaping or hedges waterward of the top of slope but landward of the water's
26 edge are allowed; however, hedges or plant groupings shall be placed no closer
27 than ten (10) feet from the water's edge. No hedge or plant groupings shall
28 exceed two and a half (2 ½) feet in height waterward of the top of the slope.
29 Fences, wall or rocks arranged to form a fence or wall or objects which restrict
30 access or block views from adjacent properties are not permitted beyond the top
31 of the slope toward the lake, or waterside of the survey tie line.

32
33 *Note: Existing language from Division 6.5 added as applicable to*
34 *Environmental Regulations and Landscaping.*

35
36 5. All existing hedges that do not comply with the above regulations shall either be removed
37 if no longer permitted or trimmed to comply with the maximum height requirements
38 ~~within one year of the adoption of this ordinance.~~

39
40 6. All planted materials shall be maintained, trimmed and irrigated as required to maintain a
41 neat and safe landscape environment. If any tree or plant which is being used to satisfy
42 current landscaping requirements dies, such tree or plant shall be replaced with the same
43 landscape material ~~and~~ of the same size.

44
45 B. Existing nonconforming properties which have legally permitted improvements that do not
46 allow the property to meet the minimum landscape standards shall be allowed to remain as is.

1 The existing landscape area of these non-conforming properties shall not be reduced any
2 further.

3
4 C. Existing properties that comply with these regulations shall not be permitted to construct any
5 improvement which would reduce the existing landscaped area below the minimum required
6 by these regulations unless a variance to these regulations is granted.

7
8 D. All plantings in each lot shall be kept trimmed and free of weeds, dead plant material,
9 garbage and other debris which detracts from the appearance of the lot.

10
11 E. Hatracking of trees shall be prohibited. Hatracking is defined as flat-cutting the top of a tree,
12 severing the leader or leaders, or the removal of any branch three (3) inches or greater in
13 diameter at any point other than the branch collar.

14
15 F. The swale areas shall be maintained by the abutting property owner. No structures or
16 improvements of any kind, with the exception of mailboxes approved by the United States
17 Postal Service, sod, annuals or perennials, driveway approaches and shade trees approved by
18 the Town, shall be permitted within the swale areas. Trees planted in the swale area are the
19 property of the Town and may not be removed or trimmed by the abutting property owner
20 without approval of the Town.

21
22 G. Ornamental landscape features such as statues or fountains less than four (4) feet high and
23 decorative ponds less than 24 inches deep are permitted as accessory structures within any
24 required yard.

25
26 H. Corner Visibility: No hedge, shrub or planting which obstructs sight lines at elevations
27 between two and a half (2.5) and eight (8) feet above the roadways shall be placed or
28 permitted to remain on any corner lot within the triangular area formed by the outer edge of
29 the paved streets extended and a line connecting them at points twenty-five (25) feet from the
30 intersection of the extended street lines. The same height sight-line limitations shall apply on
31 any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of
32 a driveway pavement. No tree shall be permitted to remain within such distances or such
33 intersections unless the foliage line is maintained at sufficient height to prevent obstruction
34 of such sight-lines. Waivers of the corner visibility requirements may be administratively
35 approved by the Public Works Director.

36
37

<p><i>Note: Existing language from Division 5.9 added as applicable to Environmental Regulations and Landscaping.</i></p>
